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Maryland--the pioneer of religious liberty

Elihu Samuel Riley

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NUMBER THREE

Maryland--The Pioneer of Religious Liberty

THE ONLY CATHOLIC COLONY OF THE
THIRTEEN AND THE FIRST TO ESTAB-
LISH CIVIL AND RELIGIOUS FREEDOM.

BY ELIHU S. RILEY, L. H. D

DEGREE CONFERRED BY

ST. JOHN'S COLLEGE, ANNAPOLIS, MD.

MEMBER OF THE BAR OF THE COURT OF APPEALS OF MARYLAND,
CORRESPONDING MEMBER OF THE MARYLAND HISTORICAL SOCIETY.

Author of "THE NATIONAL DEBT THAT AMERICAN PROTESTANTS
OWE TO THEIR BRETHREN OF THE ROMAN CATHOLIC CHURCH;"
"THE ANCIENT CITY"—A History of Annapolis, Md.; "FIRST CITIZEN
AND ANTILOH;" "A HISTORY OF THE GENERAL ASSEMBLY OF MARY-
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THE AUTHORITIES.

The following books and authors have been consulted in the preparation of this work:

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- The Proceedings of the Legislature of Maryland.
- The Narrative of the Settlement of Maryland, written by Father Andrew White.
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- Bancroft's History of the United States, with many other histories and documents of equal reliability.

RILEY'S HISTORIC SERIES

NUMBER THREE

Maryland - - The Pioneer of Religious Liberty

CHAPTER ONE.

The First Altar of Perfect Religious Liberty Was Erected in Maryland.

SECTION 1.—LIBERTY IS THE GIFT OF GOD, AND THE ROMAN CHURCH WAS ITS CUSTODIAN IN THE DARKEST AGES OF CHRISTIANITY. Liberty is the inalienable legacy of man. It is his inherent privilege to act according to his own wishes and desires, so long as these rights will not invade the prerogatives of the State nor the liberties of its individual citizenship. This was the birthright God gave to man when He created Him in His own image. This freedom has often been denied to men by men. It has been and still is the custom of not a few to lay every effort to subvert this legacy of divine origin and every attempt to fasten the gyves of tyranny on the human mind, body and soul, upon Roman Catholics and the Roman Catholic Church. No libel and slander have been more groundless. There were epochs when men who called themselves Catholics, were the foes of freedom; but it is neither justice nor wisdom to marshal a particular period, nor a long-continued chain of events, and then to draw a conclusion without a full survey of the whole field and a complete review of all the proof bearing upon the question at issue.

Every atom of evidence, every foot of the area under investigation, every scintilla of truth, within the scope of the subject, should be examined and considered before a just verdict could be rendered in any branch of inquiry. How much more so should this line of research be observed in a historic survey, a test so liable from its inherent defects of statement, from prejudice and lack of complete information, to fall into error and mistake. When the entire subject is studied in all of its varied parts, the conclusion is inevitable that the trend of the doctrines inculcated by the Catholic Church, has resulted in the support and enlargement of human liberty. The church which was for ages the sole guardian of Christian truth, and, therefore, necessarily the keeper of liberty, could not, and did not teach the doctrines of Christian love, faith and charity, without being the apostle of freedom. Men, acting from its sublime directions, learn to love the equities of right and religion. They could not absorb these principles without being impregnated with the desire for liberty. Some burst the bonds that bound them to the physical Catholic Church; but, among the vast multitude that remained within her pale and worshipped at its altars, freedom, when the human mind began to assert its longings for better things,

and the full enjoyment of civil and religious liberty, had her very truest and most fearless apostles in the bosom of the Roman Catholic Church. They held aloft her banners; they lifted the flambeaux of freedom; they led the fight against tyranny. Their Church raised no protest against their advocacy of this inalienable right of man.

SECTION 2.—LET NON-CATHOLICS APPROACH THE INVESTIGATION WITH A CANDID MIND. In examining the causes that led to the settlement of Maryland, with its free institutions and the manner in which it was accomplished, the non-Catholic should approach the subject with a candid mind, and should array and assimilate the facts of history cognate to it by the same tests that are applied to investigations of other subjects of annalistic authority. It is both just and beneficial. It is more. It is manly. It is patriotic. This spirit of the examination will tend to enlighten the intellect and broaden the fellowships that belong, not only to men of the same country, but of the same religion. It should bind in charity the republic of the world. This equity of judgment will place the true perspective before the mind's eye. It will create a better understanding. It will put Americans right with each other in their citizenship. Our free land, our broad institutions, and our common brotherhood demand that we understand our fellow-citizens and that we will not countenance a misrepresentation of our friends, neighbors and fellow-countrymen. Let non-Catholics look with a clear vision and a just mind upon the age in which Lord Baltimore lived; let them consider that he was a Roman Catholic; let them appreciate that he gave up place and position for conscience's sake, and let them test, in every possible way, why he sought to establish the free commonwealth that he founded, and then ask themselves if he did that, as he did, both under sanction of his Church and of his Sovereign, can there be any possibility of holding the opinion that the Roman Church taught him to oppose the establishment of liberty, in its fullest extent or charge him with being an alien to its faith in setting mankind this initial example of absolute human liberty in its highest form? Did he not undertake this sublime enterprise from the very fact that he was taught by the Roman Catholic Church, in which he was reared, and to which he was loyally attached, the very doctrines of liberty which he established in Maryland? Let no man take from him and his church that which belongs to them. Subtraction of either divests from him who so judges, both wisdom and charity. It makes him less a brother to his brother, less a Christian to his fellow-Christians, less a patriot to his fellow-compatriots. Let not such injustice be named even in the highest altitudes of mind and heart in the analysis of truth in the settlement of Maryland and the environments of its unique historic situation.

SECTION. 3.—THE AGE OF MARYLAND'S SETTLEMENT A PERIOD OF HATES AND ANIMOSITIES. The halo of lustrous glory of this sublime act is increased by the age, in which the colony of Maryland was settled. It was a period of bitter hates, animosities and misunderstanding, even in those countries where the glad tidings of Christianity had been proclaimed. Believing that the ethics, the doctrines and the physical Church itself were all intimately and irrevocably connected with, public polity and national government,

Christian men had joined state and religion in a common union. Political questions became united with church policy and Christian dogma. The combination was not always beneficial to the State, nor to the Church. A man who opposed arbitrary and unauthorized acts of the State, committed in the name of religion, was considered a traitor to his government, because that protest affected the status of the established church. He was punished for maintaining his religious rights, privileges which in England and America, and in almost all parts of the civilized world, are now guaranteed to citizens, freely without cost, fully without denial, and speedily without delay. This victory of right, reason and religion was a hard-won fight. Many a martyr paid his life to gain this legacy for his survivors. The brave who fought and fell and the victors in the cause were heroes on the battlefield of progress. They were the benefactors of mankind.

SECTION 4.—THE CONDITION OF CHRISTIAN COUNTRIES IN RELATION TO TOLERATION IN RELIGION. The relationship of Christian denominations in the seventeenth century, in consequence of public and political affairs being intermixed, was especially one of bitter intolerance. In a former treatise, it was shown that the Roman Catholic Church, in the fifth and sixth centuries, saved Christianity and Christian civilization to mankind when they were threatened with destruction by the Goths and the Vandals, and that the Catholic Church had conferred an immutable and innumerable aggregation of blessings, civil and religious, upon the human race, and that during the epoch in England, our mother-country, when the various denominations of Christians were at actual war with each other on account of religious differences this condition of affairs was a particular era. No sect, no church, no denomination can be alone held responsible for such a lamentable state of the public and religious mind. All denominational bodies were parties to this system, because it was then supposed to be God's work, and His way of dealing with those whom the persecutors believed had not the right lamp to their feet, nor the true torch in their path. That age has passed and no man would even dare to offer to have it revived. There will now be considered that ancient method when that splendid era of emancipation from such intolerance began in America. It will be proved that, in Maryland, led by Lord Baltimore, a Roman Catholic layman, was established the first absolutely free government where Christian men of all names and denominations might worship God according to the dictates of their own conscience, none daring to molest or make them afraid. More, it will be shown that, under Lord Baltimore's mild and benignant rule, neither Jew nor Gentile, Greek or Barbarian was molested in the exercise of his God-ordained, free, religious rights, but that all lived and worshipped in peace and safety in "*The Land of the Sanctuary.*"

SECTION 5.—THE TEACHINGS OF THE ROMAN CATHOLIC CHURCH HAVE TENDED AND RESULTED IN THE ELEVATION OF MANKIND, THE IMPROVEMENT OF NATIONAL CONDITIONS AND THE SECUREMENT OF CIVIL AND RELIGIOUS LIBERTY. It will be found, upon a thorough investigation, that, while there have been by the individual and in isolated cases in the Church attacks upon

civil and religious rights, these must not be considered as a consensus of opinion and an array of complete and formulated doctrines and the intendments of the whole body. The issues of an era temper the dispositions of even those in authority. A fever, a hatred, a mistake, a resentment in a specific period is not a just indicative of an entire system. The long course of time, the uninterrupted continuity of years, the steady roll of the ages should be analyzed and dissected to discover the polity of a State and the policy of the Church. It will thus be found, if the investigation proceeds upon this direct and proper line, that the teachings and the practical results of the propagation of Christianity by the Latin Church have tended towards and produced a vast and preponderating share of the elevation of mankind, the improvement of his civil conditions, and the securing of man's religious liberty. The human heart could not be enlightened by the peerless beams of Christianity without its expansion into the full leafage and perfect flower of human freedom. This has been the result of the work of the Roman Catholic Church. For the truth of this statement appeal lies to history. It vindicates, in its broadest expanse, the fact that the Roman Catholic Church in saving Christianity to the world laid the foundations of liberty, preserved it from destruction, and implanted the love of freedom and riveted man's inalienable right to it in the human breast.

SECTION 6.—THE BEGINNING OF CHRISTIAN FREEDOM. The earliest Apostles of English liberty had their nativity in the Roman Catholic Church. When St. Augustine at the head of his band of Roman monks, in his mission of love, entered the isle of Great Britain in 597, bearing above them as they chanted the songs of Christianity, the banner of the Cross, he laid the corner-stone of a government of law and order, founded in the ethical doctrines and spiritual vitality of the religion of Jesus of Nazareth. Continuing this chain of events in its historic corollary, the primate of the Catholic Church, in England, was the very foremost leader of liberty when Catholic barons of England wrung from King John in June, 1215, the written Magna Charta of English liberties. Bishop Fisher and Sir Thomas More, 1525, were martyrs in the cause of liberty, when they refused, at the penalty of their lives, to acknowledge Henry the Eighth as the spiritual head of the Christian Church of England.

SECTION. 7.—THE ROMAN CATHOLIC CHURCH WAS THE INITIAL BODY TO ENUNCIATE CIVIL RELIGIOUS LIBERTY. The Catholic Church, as an organization, was the initial body and the very identity that, in the days of the Goths and Vandals, when these hordes threatened to overturn society and make might right, first enunciated the ideals of liberty that are law in the American Republic today. The Church flung its banners of freedom to the unwelcome breeze emblazoned with the legends—that there existed a law above all human laws—"the law of God," and the absolute "separation of the temporal and the spiritual power," and "their mutual independence." These were the national notes of liberty of conscience and the freedom of worship unhampered by the tenets of the State. Every attempt by men who called themselves Catholics to undermine the temple of human freedom, was met by the strenuous opposition of Catholics themselves, who in the

end always triumphed in their righteous cause. They may be sometimes called by different names, but in or out of the Roman Church, they made their heroic fight. In the beginning, in every struggle, before the final separation of the Latin and Protestant Churches, they were Roman Catholic, inspired in their love of right and freedom by the very doctrine that the Church had taught them, that God and conscience are above all human instruments and considerations.

Besides, Richelieu, Calvert and James the Second, and the notable examples of the English Catholics who stood for freedom, when they rallied, in spite of all the gyves of tyranny that their own fellow-Englishmen had forged about him, against the Army and Navy of Spain in the fateful days of the Spanish Armada, are imperishable records of the love of Catholics for country and human liberty. Lafayette, Frenchman and Catholic, was an apostle of American freedom. The Catholic Carrolls of Maryland were in the very van of American independence. With notes ringing far above the din of denominational differences, Benedict XV., in answering the plea of the American Jew for his aid in securing justice for the Hebrew in all lands, declares that, while waiting for this right and justice, "His Holiness rejoices in the unity which, in civil matters, exists in the United States, among the members of different faiths, and which contributes so powerfully to the peaceful prosperity of your great country. He prays to God that peace may at length appear for the happiness of that humanity of which you truly say the holy father is the guardian."

SECTION 8—THE CATHOLIC CHURCH FURNISHED THE LEADERS IN CIVIL AND RELIGIOUS LIBERTY. Every student of history, who approaches the subject in a philosophic attitude, with "the judicial mind" and "the university temperament," will observe that the principles of civil and religious liberty had its boldest and bravest advocates born of the doctrines inculcated by the Roman Catholic Church. This, too, whether these champions of liberty withdrew from its folds or remained within its precincts. The Church taught that man's duty is to his God above all human obligations or conditions. It instilled into men the divine authority of the conscience. It pressed upon them their duty to their fellowmen. "Where," asked that eminent historian and philosopher, Guizot, "can we find society in which individual reason more boldly developed itself than in the Church? What are sects and heresies, if not the fruit of individual opinion? These sects, these heresies, all these oppositions arose in the Christian Church, and are the most decisive proofs of the life and moral activity which reigned within her—a life, stormy, painful, sown with perils, with errors, with crimes—yet splendid and mighty; *which has given place to the noblest development of intelligence and mind.*"

Even if we look at those who departed from its pale in their advocacy of their ideals of freedom and religion, it will be seen that they obtained their first conception of duty to God, man and society, and of their advocacy of the rights of conscience, of liberty and of real religion, from those precepts taught by the Roman Catholic Church. Their dissensions might have arisen from opposition to the form of its government, yet they were her offspring, and, although the Church

might designate them as schismatics, they were still of her nativity. From no other source could they have learned, nor did these heroes in the strife imbibe their doctrines of right, of liberty and of Christianity.

Yet those who remained within her pale, were the foremost of all who made civil and religious liberty a reality and exalted its rights above all of their compatriots in the heroic struggle for freedom. James the Second, who forfeited his throne in his support of and fidelity to the Catholic religion, advocated toleration to all Christian denominations; Cardinal Richelieu, who for his loyalty to the cause of his country, lost the tiara, when he had even battled against his and his king's Protestant foes within his own realm, yet when he had conquered them—the Huguenots—still gave them religious liberty, which his chief confirmed by a reiteration of the Edict of Nantes; Lord Baltimore, who was the master mind in the great struggle for religious liberty, was so loyal a Catholic that he gave up all hope of preferment and exchange for conscience's sake, every prospect of political advancement of which he was so capable, in order to enjoy his Catholic faith. He remained, in spite of every inducement, a loyal Catholic.

Who can fail to see, and who be so blind as not to grant, in all the fullness of right and justice, broadness of mind and nobility of heart, that the Catholic Church held within its fold the earliest gladiators of liberty who fought foremost in the world's bloody arena to win its initial battles?

Let us proceed to examine the age in which Lord Baltimore lived and the condition of Western Christendom when he essayed to found a commonwealth of perfect civil and religious liberty—a state then unknown throughout all Christendom.

CHAPTER TWO.

The Intolerances and Persecutions of the Age When Lord Baltimore Raised the Torch of Religious Liberty.

ENGLAND.

SECTION 1.—THE ANIMOSITIES AND THE BITTERNESS OF THE EPOCH OF THE SETTLEMENT OF MARYLAND. In these enlightened days, in the fair domain of the United States, the voice of the advocate of civil and religious liberty would make no especial sound in the busy arenas of trade, traffic and forum. It was a very different event, measured by its environments, when Lord Baltimore lifted the torch of freedom and reared his altars of civil and religious liberty. It was a deed both unique and sublime. The enterprise had never before been undertaken in the Christian world. The fact marked a new epoch in Christendom. What was its real lustre can only be perceived by setting as a background to this brilliant star that emerged from its virgin constellation in the heavens, in a night of densest darkness, the black pall of bigotry, hatred and persecution that surrounded the man who had the heart and courage to undertake a project far removed from the thoughts of men and foreign to all that was about him.

In England, a land proud of her well-earned and dear-bought title of the right little, tight little isle of liberty, one had no choice then even of the church that he might attend. He was obliged, unless by lawful reason excused, to repair to the established church each Sunday for morning worship, regardless of his conscience, and, in default, was mulcted in fines and penalties for not attending. (1) Men of another country had to take the Sacrament in order to be naturalized. (2) If of the Roman Church, an Englishman could not vote, nor hold place or position. Uniformity of religious worship and the manner of administering of the Sacrament were to be observed by all. (3) Subjects of the realm, or denizens, above sixteen years of age, being "Popish recusants," were compelled to repair to their places of abode and were not allowed to go five miles from thence on pain of forfeiture of goods and profits of land during life. Recusants, not having any place of abode, were obliged to return to their places of birth and not to remove on a like penalty. Copyholders, violating this statute, were to forfeit their lands. "Recusants" were required to notify ministers of the places where they lived. The minister was to carry the information up to the Sessions. Supposed Jesuits were to be apprehended. A standing reward was offered for a man to abjure his religion, by absolving him from all pains and penalties for his denial of faith. (4) Conformity of worship was enforced by fines, six-month imprisonments, and finally confinement for life. When Elizabeth had been on the throne for a quarter of a century persecutions had been so severe

that many Catholics looked upon the period as an era of crucifixion, and went bravely to their death, courting the crown of martyrdom.

Persecutions began to abate under James the First; yet prisons were still crowded with Catholics, and from 1607 to 1618 sixteen Catholics were executed under alleged charges of treason. Treason in those times consisted largely in being opposed to the Established Church. Catholics paid yearly into the public treasury 36,000 pounds merely for the privilege of being true to their faith. "They were repeatedly summoned to take the oath of allegiance. Non-attendance was punished by excommunication and the dreadful civil consequences of it." Refusal to take the oath acknowledging the king as head of the Church subjected them to perpetual imprisonment and the penalties of *præmunire*—high treason. In 1616, when the king was preparing for the Spanish match, and had let out 4,000 Catholics from prisons, the Puritan bitterly lamented "that so many idolators should be let loose to pollute a soul purified by the true doctrines of the gospel." Under warrants to pursue Catholics, they were robbed of their jewels and valuables, which were only recouped by large bribes.

Hatred even followed dissenters. Bartholomew Legat, a non-Catholic, was burned on account of his denial of the Trinity. Edward Wrightman was executed by the flames for the same cause (1612), and a third was only saved from death by the murmurings of the multitude which reached the ears of the king, who stayed the fiery tongues. In 1622 King James the First ordered Catholics who could give security to be released from prison. The zealots were aroused. James quieted them by saying that the Catholics still had "*the shackles about their heels.*"

The people were not, nor was Parliament, with the king in this leniency. Parliament petitioned their sovereign to enforce the penal laws against Catholic priests and laymen. James called God to witness that he had never intended to dispense with those laws, and promised that he would never permit in any treaty "*the insertion of any clause imputing indulgence or toleration to Catholics*" (4 *Lingard*, Vol. 9, p. 177. See *Journal of the House of Commons*, 756). A proclamation was then issued, commanding all missionaries to leave the kingdom against a certain day under penalty of death. A system of legal espionage was employed to spy out all Catholics, even all persons who had Catholic wives, children or servants, who held office. Thirty-five of these were reported. James the First died March 27, 1625. Before his death he had signed a secret agreement with France to grant more freedom to Catholics.

When Charles the First broke up Parliament in 1629, it was then debating the famous propositions of Hollis, one of which affirmed that "whosoever shall seek to bring Popery, Arminianism or other opinion," "*disagreeing from the true and orthodox church*, shall be reputed a capital enemy to his king and commonwealth." (*Lingard*, Vol. 10, p. 245).

When Charles the First was yet in the early years of his reign, 1630, the Puritans charged him with a secret design to restore the ancient worship and doctrines. *To offset this Charles persecuted the*

Catholics. He rigidly excluded all English Catholics from the chapel of the Queen at Somerset House. He made a heated proclamation of a reward for Dr. Smith, a Catholic priest, and, over and over again, directed the judges, bishops and magistrates to enforce the penal laws against priests and Jesuits. Numbers were arrested. Some were convicted. Charles, however, was loath to shed blood merely on account of religion. One person only was executed, and that through "the hasty zeal of Judge Yelverton." Other Catholics died in prison, some were banished, and yet others were released on bail to appear at notice. Laymen were treated with great clemency; but they paid heavily for it—in sums of money varying from one-tenth to one-third their annual incomes, for being allowed to enjoy the privileges of worshipping their God in the manner of their own choice.

When the civil war, in 1645, was at its height, scarcely a day occurred in the proceedings of Parliament in which there was not offered some order or ordinance, on even the most trivial subjects, that did not have the assertion in it that the war had been originally provoked "by the papists for the purpose of the establishment of Popery on the ruin of the Protestantism of England" (*Lingard*, Vol. 10, p. 155). No protestations from the King or Catholics availed. Wherever the influence of Parliament was felt, Catholics were insulted and persecuted. They naturally flocked to the standard of Charles, who at last was friendly. This confirmed his foes in the belief of their mutual understanding, and new and severe laws were enacted against the Catholics. On an average three Catholics priests a year were executed. It was ordered that two-thirds of the estates of every Catholic should be seized and sold for the benefit of the nation. It was intended that the Catholics should pay the expenses of the war. A test oath was prepared. He who refused to disown his religion, he who had attended mass, he who had harbored priests, he who had sent his children abroad to be educated, or had been convicted of recusancy, came under the test, and those who could, or would not, take these oaths were self-convicted "papists," and liable to punishment for being Catholics.

In 1643, after a solemn fast, the Cromwellites ordered that the five Catholic chaplains of the Queen be apprehended and sent to France, their native land, and that the furniture of her chapel at Somerset House be publicly burned. The populace was so delighted at this that they requested and obtained permission to tear down the Cross on Cheapside. The Lord Mayor of London and the Aldermen attended the sacrilege and "anti-Christ," that is, "an effigy of the Pope," was thrown in the flames, while the bells of St. Peter's rang a merry peal and the city waits played melodious tunes on the resonant air, the trained bands discharged volleys of musketry, "and the spectators celebrated the triumph with acclamations of joy." (*Lingard*, Vol. 10, p. 156). (*Parliamentary Chronicles*, 294, 327.)

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1. 1st Elizabeth, c. 2.
 2. 7 Jac, 1st Cj. A. D. 1609-10.
 3. 2nd and 3rd Ewd. VI., Ch. 1.
 4. 1st Elizabeth, Ch. 2.

IRELAND.

SECTION 2.—FREEDOM OF WORSHIP DENIED IN IRELAND. In 1632, when Lord Baltimore obtained his charter for Maryland, a fine still remained on the statute books of Great Britain for any one that did not attend the services of the English Church at the time of morning prayer on Sunday morning. The Catholics had to provide, by taxes, for the support of the English Church established amongst them. Wentworth, once champion of liberty and now Governor of Ireland, used this weapon of church-attendance as a fiscal measure to secure money for the government. He wrote to Charles the First: "*The benefit of the Crown must be and should be my principal, nay, my sole end.*"

Ireland was then, in the early days of the attempt of Charles the First to abolish all popular rights and to concentrate all authority, in the hands of the king. Ireland, Catholic, with an English Established Church over it, was in a sad plight. Wentworth revived the Court of High Commissions, which was established during the reign of Elizabeth, to enforce religious beliefs by penal statutes—a species of English Inquisition. Yet Wentworth, with this huge club in his hands, made the just boast that, during his government in Ireland, which was eight years, "the hairs of no man's head were touched for the free exercise of his conscience," but he could with equal propriety have confessed that he had exercised the high powers he possessed in religious matters to drain men's pockets in order that they might purchase immunity from impious persecution for their religious opinion. Liberty of conscience was not granted, but was purchased from the government. Wentworth was servile, politic and adroit—one whose conscience did not stand in the way of helping the king out of a difficulty by making promises to secure money from the public and then taking upon himself, when the payment for the "graces" was demanded, to say that he had never forwarded the petition to the king. Thus the sovereign, having received the bargain for the largesses promised the people, was relieved from giving any return by saying he had never made any agreement with the representatives of the people for what they had voted him.

Such was the rancor, at this period, of Englishmen against Catholic Ireland, that it was the common belief that not only did England wish to destroy the Catholic religion in Ireland, but had in heart the extirpation of all the old Irish Catholic families. Then came the Irish uprising. Massacres were the order of the day. The first of these terrible measures was committed by Protestants, who murdered three thousand Catholics on the Island Magee. The number of the slain, which included women and children as well, is disputed, but the fact of the murders is not. So, under the wrongs of the Catholics and the resentment of the Anglicans, influenced by the bitterest passions, Englishmen and Irishmen flew at each other's throats in deadly hate, with a bitterness that destroyed all bonds of union that should have been cemented from a common country, citizenship and Christianity. Yet this was the age that produced that contratype to it—Lord Baltimore.

The cruelties in that period, when Maryland was settled, between Irishmen and Catholics, on the one hand, and the Scots, Englishmen and non-Catholics on the other, are frightful to relate. A single incident

will portray the terrible panorama of sanguinary deeds. On May 4, 1642, on quarter promised for life, Newry, of the Irish Army, surrendered. "Yet forty of the Irishmen were put to death the next day on the bridge, and amongst them two of the Pope's Pedlars (so they called the Seminary Priests), and the Scotch soldiers, forcing a crowd of Irish women and children hiding under the bridge, took some eighteen of the women and stript them naked and threw them in the river. So many had suffered that Sir Jerome Turner, in command under General Munro, galloped up and stopped them. They were only copying, he said, the cruel example set them by the English under coward Cumming. It was intended to terrify the Irish. It failed.

"From the writings of Leland, Clarendon, Warner and Carte it is clearly shown that there existed a determined purpose to exterminate the Irish Catholics." (*Ireland Under English Rule (1630-1640)*, Thomas Addis Sommet, p. 76).

Warner wrote: "It is evident from their (the lords' justice) last letter to the lieutenant, that they hoped for an extirpation, not of the mere Irish only, but of all old English families that were Roman Catholics" (page 77).

SCOTLAND.

SECTION 3.—CONDITIONS OF INTOLERANCE IN SCOTLAND—1617-1650. During the period when Lord Baltimore was formulating and establishing his ideals of free civil and religious government, Scotland was a seething cauldron of denominational dissensions and cruel animosities that terminated in a bitter and unrelenting war. In 1617, James I, King of England, forced the consciences of his fellow-countrymen, the Scots, to accept his five articles of religion. By these terms communicants were required to kneel and not to sit—an odious Custom to the Scottish Presbyterians. Easter and Christmas were to be observed, contrary to the faith of the Scotchmen. Confirmation was established and infants were required to be baptized on the first Sunday after their birth. One concession was granted—communion might be administered to the dying in private. In 1621 these articles were adopted in Parliament. All Scotland was aroused. James tried to suppress the inner man by proclamations against conventicles, and by threats to abolish the courts of law and equity, if the people did not go to church on Christmas Day. He postponed the execution of the threat until Easter, 1625. Fourteen days before that day arrived, James died.

Charles the First followed James the First. There was no lessening of the effort in his reign to have Parliament make the religion of the people. Charles gave gifts of church lands to bribe the nobles. He joined kirk and nobility together by threatening to take back these gifts or to impair their value. He added strength to his campaign by placating the bishops with favors. In 1636 Charles decided to introduce a liturgy in Scotland. The Scotch mind looked upon this innovation as a form of idolatry. They reasoned on this wise: "Anglicanism was a link of anti-Christ; prayers were inspired; a liturgy was a 'Mass Book.'" At the first attempt to use the ritual in the Giles' Church, the "Jenny Geddes riot" broke out. This was on July 23, 1637. Lairds,

nobles and ministers sent a petition to the king against this form of worship.

Men in that age fought when they differed on points of religion. In November "the Tables," a standing revolutionary committee, was appointed. In 1638 "the Covenant" was formed. The signers of the covenant pledged themselves to defend and propagate old Presbyterianism. Charles pressed the bishops to act. Hamilton was sent to treat and to threaten. He later granted a General Assembly, and the ecclesiastical legislation of James the First was rescinded. Scotland was now in arms. Compromises had failed. The Church was at war. Henderson designated the Royalists as "Amalekites," and by the Scriptural precedents, Amalekites were to be destroyed. They were entitled to no quarter. Prelacy was "Baal Worship." The military campaign of the Scots failed through secret negotiations, with Charles; but he appointed his old foes to power and place and Scotland became firmly fused into the pale of Presbyterianism.

The Covenanters now aimed to make England Presbyterian. Believing that they must fight "sectaries," the Scots rallied under Montrose against Cromwell to the aid of Charles, and, after varying successes, they were defeated. The men and women of Montrose's Irish division were either shot or hanged. These executions were doled out months afterwards.

The preachers now called for blood. Numbers who were captured under promised quarter, were executed, for to give terms to them was to "violate the oath of the Covenant," as the ministers interpreted it. This was in 1644. If the clergy were so animated by the animosities of the period to place such construction upon military law and honor, what, indeed, could be expected of the laymen and the irreligious?

WALES.

SECTION 4.—THE WRONGS INFLICTED BY THE GOVERNMENT OF THE CHURCH BY THE NATION. What the government of a church by the nation will inflict on the commonwealth is significantly indicated when it is found, that, from 1702 to 1870, only one native Welshman had been appointed to a bishopric in Wales. Preferment had gone to the lot of the foreigner.

At the period of Lord Baltimore's sublime ideal and his establishment of religious freedom in Maryland—1620 to 1680—literature and religion formed a very close and dramatic part of Welsh history. In December, 1588, the first complete copy of the Bible in Welsh made its appearance. It was commonly known as "Bishop Morgan's Bible," William Morgan having translated it. In that epoch the very language of the Welshman was in danger of extinction by the deterioration of it by its corrupt dialects. The sudden revival of Cymric literature, under the patronage of Queen Elizabeth, with John Penryark and William Wroth as leaders in the movement, opened the way to the salvation of the Welsh tongue. At this period two bitter petitions were made to Parliament urging a strong and drastic Puritanical policy in Wales. The Welshmen, however, as a body, remained friendly to the High Church policy and were unyielding supporters of the prerogatives of

King Charles the First. In 1649, the year Charles was executed, Parliament passed an "Act for the Better Propagation and Preaching of the Gospel in Wales." A packed commission of seventy was appointed with powers, practically without limitations, to deal with all ecclesiastical subjects in Wales. To this commission were added twenty-five approvers who had the power to appoint ministers to take the place of those dismissed. Greed, tyranny, bigotry and mismanagement threw all Wales into confusion in its church affairs. Colonel Freeman was able to reach the bar of Parliament to urge the claims of the "Anti-Propagators," as the commissioners were designated. There he declared that, by the policy of ejection, "the light of the Gospel was almost extinguished in Wales." A new commission was appointed to examine into the complaints. This body vindicated the approvers and suggested new measures. At the restoration of royalty, at the end of the Cromwells' regime, all the ejected clergy who still lived, regained their ministerial positions and certain Puritan clergymen who refused to conform to the new establishment, were dismissed from their holdings. The church still rocked in the cradle of the state. Politics furnished the power of oscillation. By its vacillations, the Welsh people, being opposed to the rulers, were finally forced out of touch with the church, while aliens and strangers, unsympathetic with the populace, ministered at their altars.

At the end of the seventeenth century their own countrymen charged the Welsh nation with religious deadness and immorality.

SPAIN.

SECTION 5.—THE STATE OF SENTIMENT ON TOLERATION IN SPAIN, 1637 to 1703. At this period (1637) the early years of the reign of Philip the Fourth of Spain, when the colony of Maryland had been in existence but three years, Spain was in the distress of defeat in a war with Holland. The Pope attempted to bring about peace; but Spain refused to allow at the conference the attendance of the representatives of Holland and of the Protestants of Germany. At the same time (1638 to 1643), the Inquisition was almost as busy as in former days. Little was left of Lutheranism on which to expend its frightful powers; "but the Jews, who had been so numerous in Portugal, were finding their way throughout Spain, and *autos-da-fe* for their benefit were frequently considered necessary."

The age itself was one of vileness. Olivares, friend and favorite of the King, he who provided pleasures for him, plunged deep into sensual atrocities. He is credited with the creation and promotion of a sect, invented for the dissipations and depravities of Philip, called "Alumbrados," or the enlightened people. Their doctrine was that "sacriligious amours of the most blasphemous description might be indulged in *without sin*, even in the sacred precincts of the convent and the church."

This Olivares, intimate and twin spirit with the king, scoured in his early youth the streets at night in search of bad and scandalous adventures. When Alvanel, the former tutor of the king, and then Archbishop of Granda, wrote to Olivares, remonstrating with him for leading

the king into such conduct, the minister wrote back in substance, to this dignitary of the Church and the real friend of Philip, that he was "an impertinent meddler and that if he does not mind his own business worse will befall him." Naturally there was scarcely any other end, as came to pass in the reign of this King, to be expected of a sovereign whose life was tainted by such base and polluted occupations as was Philip's. In his day Spain lost both prestige and possessions. The king's own heir died from debauchery. His living son was sickly, and the king's wife plotted for the throne when he was dead. Philip, full of remorse, approached his death. At the age of sixty, without hope, on September 17th, 1665, he closed a useless life. He had, like his sire, discovered too late his errors of life, to repair the evils that he had brought upon himself and his kingdom, and "that great positions call for great sacrifices, and his death bed was embittered by the knowledge that the self-indulgence had reduced the country he loved to utter ruin and degradation."

Yet, with a sovereign so dissolute, in his own personal habits, the Inquisition, merely inaugurated, not to correct morals, but to dictate to and terrify people into the adoption of religious dogmas, flourished in all of its fullness in the reign of Philip. It was when this ghastly weapon of religious warfare was in fruitful operation, Lord Baltimore's conception of religious freedom had been born in hope and clothed in flesh, and set upon its feet. There was novelty in each—nobility in the one and cruelty in the other. A new form of government had been established in the New World and a singular mode of punishment invented in the old.

On the 22nd of June, 1636, a general *auto-da-fe* was held at Valladolid. It was composed of 28 persons. The punishment inflicted on the Jews was the nailing of one hand to a wooden cross, and in that state they were obliged to hear the report of their trial, and the sentence which condemned them to life imprisonment for having insulted our Saviour and the Virgin by their alleged blasphemies.

The strange spirit of the times was emphasized on the 21st of June, 1621, when "*the Inquisition celebrated the accession of Philip IV* (of Spain), by the *auto-da-fe* of Manada la Conceptor, a Beata (a sorcerer), a famous hypocrite of the preceding reign, who had deceived many persons by her feigned revelations and pretended sanctity. She appeared at the *auto-da-fe* gagged, with the *san-benito* and the mitre."

On the 30th of November, 1630, another *auto-da-fe* was held at Seville when six persons were burnt in effigy and eight in person. Fifty were reconciled and six absolved, *ad contelan*.

On the 21st of December, 1627, a general *auto-da-fe* was celebrated at Cordova, composed of eighty-three condemned persons. Of these fifty-eight were reconciled, among whom were three sorcerers.

In 1639, the Inquisition extended its work to Peru, and in that year, on January 23, there was a general *auto-da-fe* at which seventy-two persons appeared. Eleven of these were burned in effigy.

The period was ripe with superstitions and the punishments for sorceries were frequent. Priests even did not escape the penalties of the Inquisition on charges of the use of this alleged diabolical power.

When Charles II, of Spain, and Maria Louisa de Bourbon, in 1680,

were married, "the taste of the nation was so depraved that a grand *auto-da-fe*, composed of one hundred and eighteen victims, was considered a proper and flattering homage to the new Queen. Nineteen of the convicted parties were burned, with thirty-four in effigy."

The superstitious atmosphere which the Spanish people breathed in this period of their national existence, displayed itself "in the most celebrated trial of the Inquisition in the reign of Charles the Second. It was founded upon a case of alleged sorcery—so intimately connected with certain religious ideas. The natural weakness of the king, and his failure to have an heir, *created the suspicion that he was bewitched!* Cardinal Portocarreri and the Inquisition-General Rocaberti believed in sorcery. They induced the king to think that he was bewitched. They then urged him to be exorcised according to the Church formula. Charles consented. At the same time Bishop Diaz learned that a monk was exorcising a nun at Cangas de Tineo, to free her from demons, which she declared tormented her. The Bishop and the Inquisition General charged the exorcist to command the demon, by the formula of the ritual, to declare whether or not Charles was bewitched, and, should he answer in the affirmative, to make him tell the nature of the incantation, if it was permanent; if it was dependent on what the king had eaten or drunk; to images or to other things; where it might be found; and finally, if there was any natural method by which the effects of the bewitchment might be prevented. The confessor of the king, Fray Frouilan Diaz, bishop elect of Avila, added other queries to this list of interrogatories, "and desired the exorcist to urge *them* with all the zeal which the interest of the king and State required."

The monk declined to interrogate the demon, because it was prohibited by the Church; but, on being told by the Inquisition-General that it would not be unlawful in the present instance, he conscientiously executed the duty placed upon him. "The demon declared by the mouth of the demoniac, that a spell was put upon the king by a person who was named." Private letters of the period state that the accused of the demon was an agent of the Court of Vienna, but that Cardinal Portocarrero and Bishop Diaz were the partizans of France for the succession in Spain. Bishop Diaz was naturally greatly frightened at this statement, and redoubled his efforts and conjurations to learn some method of destroying the bewitchment. Before these strange proceedings were ended, Rocaberta died. Don Balthazar de Mendazo, who belonged to the Austrian faction, succeeded him. Mendazo informed the king that all that had taken place had proceeded from the over-zealousness of his confessor, and he must be changed. Frouilan Diaz was made Bishop of Avila. The new inquisitor-general prosecuted Diaz for having made use of demons to discover hidden things.

Mendoza tried to force the Inquisition to condemn Diaz in two new proceedings. He was thwarted in both. During these attempts Bishop Diaz escaped to Rome. He was brought back to Spain a prisoner. Then the third effort was made to bring him before the Inquisition. Again the qualifiers,—this time there were nine of them, there having been five in each of the other cases,—declared there was no cause for the arrest of Bishop Diaz. Mendoza then charged the fiscal of the Inquisition to accuse Bishop Diaz as a dogmatizing heretic, for having said

that an intercourse with a demon might be permitted, in order to discover a cure for the afflicted.

About this time Charles the Second died, and Philip was too deeply engaged in war with Austria to learn the ways and intrigues of Mendazo. Finally, the case was given to the Council of Castle, and it, on the 24th of December, 1703, declared that the arrest of Bishop Diaz was contrary both to the common law and of the holy office. The Supreme Council then declared that Diaz should be acquitted and set free.

"The demon in the case of Philip affirmed that God had permitted a spell to be put upon the living, and that it could not be taken off because the Holy Sacrament was in the church without lamps or wax candles, the communities of monks dying of hunger, and other reasons of same nature." Two other demons who were interrogated only agreed in declaring the necessity of favoring the churches, convents and communities of Dominican Monks. Rocaberta and Diaz were of that order.

The last person to be burnt at the hands of the Spanish Inquisition was a Beata—a female swindler who pretended to holiness. Her alleged crime was that of having made a compact with the devil. She suffered death on the 7th of November, 1781.

Now the usual course is to place the iniquity of the Spanish Inquisition upon Roman Catholics. It is true the originators and the promoters of that singular and terrible instrument of punishment were Catholics, but they were Catholics plus their racial characteristics, their national sentiments and their educational conditions. While this combination evolved in Spain, in spite of the Christian doctrines taught by the Church, the Inquisition, yet in England, the Roman Church, plus racial characteristics, national sentiments and educational conditions in England, produced Lord Baltimore, with his noble mission of human freedom; Leonard Calvert, the pillar of liberty in the New World, and James the Second, King of England, the promulgator and advocate, first of all the Sovereigns of Great Britain, of the right of free worship and a perfect toleration to all denominations of religion. So, then, the race, the nation and the intellectual attainments are the criterions in these two cases of judgment. Under the best conditions the Catholic Church produced the highest type of the knights of liberty. Under unfavorable circumstances, the Church, as all other missions of mercy are, was hampered, this time in Spain, by its environments and the inherent elements of the human beings upon whose hearts and lives it endeavored to influence for the best. It must be remembered, too, that if Roman Catholics in the fifteenth century inaugurated the Inquisition, the Roman Catholics of the same country in the eighteenth century abolished it. A true judgment could not be rendered nor a just opinion formed of the responsibility for the establishment of the Spanish Inquisition unless this fact was made part of the proof—that Ferdinand and Isabella inaugurated it as a political machine as well as a religious instrumentality. Politics and religion were in their usual baneful combination.

GERMANY.

SECTION 6.—THE THIRTY YEARS WAR—THE CHILD OF RELIGIOUS HATREDS. When the Lords Baltimore, first and second,

were originating and promoting the splendid idea of a free civil and religious commonwealth, Germany was in the midst of the terrible and sanguinary 'Thirty Years' War,—a conflict in which, in the beginning, national nomenclature was buried beneath the titles of the Protestant party and the Catholic combination. Then and there to be a Catholic was to be the foe of the Protestant, and to rally under the banners of Protestantism was the guarantee of being an enemy of the Catholic. Public policies, religious affiliations, factional issues and national politics were so profoundly intermingled with the systems of the government of State and Church, they could not be separated. It was impossible under these conditions for men to enjoy fully and peaceably their civil and personal privileges, nor possess their churchly and religious rights.

Of this frightful struggle—born of religious animosities—Bayard Taylor gives this vivid description :

"Thirty years of war. The slaughterers of Rome's worst emperors; the persecutions of the Christians, under Nero and Diocletian; the invasion of the Huns and Maygars, the struggle of the Gueifs and Ghubel lords left no such desolation behind them. At the beginning of the century (1600) the population of the German Empire was about thirty millions; when the peace of Westphalia was declared (October 24, 1648), it was scarcely more than twelve millions. Electoral Saxony alone lost nine hundred thousand lives in two years. The population of Ausburg had dwindled from 80,000 to 18,000, and of 500,000 inhabitants Wurtemberg had but 48,000. The City of Berlin contained but 300 citizens; the whole Palatinate of the Rhine but 200 farmers. In Hesse-Cassel 17 cities, 47 castles and 300 villages were entirely destroyed by fire; thousands of villages, in all parts of the country had but four or five families left out of hundreds, and landed property sank to about one-twentieth of its former value. Franconia was so depopulated that an Assembly held at Nuremberg ordered the Catholic priests to marry, and permitted all other men to have two wives. The horses, cattle and sheep were exterminated in many districts, the supply of grain was at an end, even for sowing, and large cultivated tracts had relapsed into a wilderness. Even the orchards and vineyards had been wantonly destroyed wherever the armies had passed. So terrible was the ravage that, in a great many localities, the same amount of population, cattle, acres of cultivated land and general prosperity was not restored until 1848, two centuries afterward.

"This statement of the losses of Germany, however, was but a small part of the suffering endured. Only two commanders, Gustavus Adolphus and Duke Bernard of Saxe-Weimer, preserved rigid discipline among their troops and prevented them from plundering the people. All others allowed, or were powerless to prevent, the most savage outrages. During the last ten or twelve years of the war they vied with each other in deeds of barbarity; the soldiers were nothing but highway robbers, who maimed and tortured the country people to make them give up their last remaining property and drove hundreds of thousands of them into the woods and mountains to die miserable or live as half savages. Multitudes of others flocked to the cities for refuge, only to be visited

by fire or famine. In the year 1637 (three years after the happy settlement of Maryland, when her people were living in peace and plenty), when Ferdinand II died, the want was so great that men devoured each other, or even hunted down human beings like deers or hares, in order to feed upon them. Great numbers committed suicide. Many poor creatures were found dead with their mouths full of grass, and, in some districts, attempts were made to knead earth into bread. Then followed a pestilence which carried off a large proportion of the survivors. A writer of the times exclaims: 'A thousand times ten thousand times, the spirits of innocent children, butchered in this unholy war, cry day and night unto God for vengeance, and cease not, while those who have caused all these miseries, live in peace and freedom, and the shout of revelry and the voice of music are heard in their dwellings.'

"In character, in intelligence and morality the German people were set back two hundred years. All branches of industry had declined, commerce had almost entirely ceased, literature and arts were suppressed, and, except for the astronomical discoveries of Copernicus and Kepler, there was no contribution to human knowledge.

"Politically the change was no less disastrous. The ambition of the house of Hapsburg, it is true, had brought its own punishment, the imperial dignity was secured to it; but, henceforth, the head of 'the Holy Roman Empire' was not much more than a shadow. Each petty State became, practically, an independent nation.

"The nobles who, in former centuries, had maintained a certain amount of independence, were almost as much demoralized as the people, and when every little prince began to imitate Louis XIV and set up its own Versailles, the nobles in territory became his confreres and governmental officials. As for the people, their spirit was broken, for a time; they gave up even the longing for rights which they had lost, and taught their children abject obedience in order that they might simply live.

"After the Thirty Years' War, Germany was comprised of 9 Electorates, 24 Religious Principalities (Catholic), 9 Princely Abbots, 10 Princely Abbesses, 24 Princes with seats and votes in the Diet, 13 Princes without seat and vote, 62 Counts of the Empire, 51 cities of the Empire and about 1,000 Knights of the Empire. These last, however, no longer possessed any political power. But, without them, there were 203 more or less independent, jealous and conflicting States, united by a bond which was more imaginary than real; and this confused, unnatural state of things continued until Napoleon came to put an end to it." (*History of Germany*, by Bayard Taylor, pages 409-412). *Larned*, Vol. 2, *History for Ready Reference and Topical Reading*, page 1466.

Religious claims, feuds and animosities had initiated the Thirty Years' War. Germany, France, Denmark and Sweden each played a part in this sanguinary drama. After the fires had been ignited by pious dissensions, political aims kept them aflame. The bitterness of the struggle was intensified by the entrance into its vortex of the hydra-headed demon of factional contentions. They added to the cruelties and terrors of the frightful tragedy.

The faggots of denominational animosities were ignited by an incident in Bohemia. In the territory of the Archbishop of Prague, the Protestants had erected a church, and in the domain of the Abbot of Braunah they had built another. These Princes, with the permission of the German Emperor, pulled down one of the churches and shut up the other. The Protestants complained. Their appeal was met by the reply that the Letter of Majesty (Rudolph Charter, 1609, granting religious liberty), did not permit them to erect churches on the lands of ecclesiastics. This answer excited great indignation in Bohemia, and a report went forth that it had not come from the Emperor (Ferdinand), but had been written in Prague. On May 23, 1618, a number of Protestants, headed by Count Thurn, marched to the Council House of the Royal Castle and demanded to be told the real facts. When the Councillor hesitated, two of the Councillors, with the Private Secretary, were seized and thrown out of the window. The Protestants then took possession of the Royal Castle, drove the Jesuits out of Bohemia, and appointed a council of thirty nobles to carry on the government. These events formed the beginning of the Thirty Years' War."—*J. Sive, History of Germany*, page 14. Religious liberty was then at an end in Germany.

FRANCE.

SECTION 7.—FRANCE THE ONLY CONTINENTAL COUNTRY IN THE SEVENTEENTH CENTURY WHERE THERE WAS TOLERATION OF RELIGION. France was in the age of Richelieu when Lord Baltimore was laying the foundation of his magnificently free commonwealth. Richelieu came into the world in 1585. He departed hence December 4th, 1642. Whatever may be written of him, favorably or unfavorably, this can be affirmed without contradiction—that in an almost intolerant age he was the champion of religious toleration. Under his rule, for Louis the Thirteenth was a mere automaton in his hands, France was the only land in Continental Europe and in all Western Christendom where Protestants and Catholics alike enjoyed their form of religion. Lord Baltimore was yet in the lead for he desired, designed and established a free church in a free commonwealth; but Richelieu gave more than any prime minister in all Europe ever conceived of granting—the privilege of an unobstructed enjoyment of religious rights, though non-conformists had to help to support a State Church.

Richelieu, primate of government, priest of religion, prince of the Church, potentate of France, for he was both Bishop and Cardinal in the Latin Church, a leader in its hierarchy, and the uncrowned, but real King of France, the scholar, author and patron of the Arts and Literature! He it was who founded the illustrious French Academy. Soldier of the Cross—Commander of the Armies of France, he died in the bosom of his church and had led his country's armies to siege and victory against the mutinous of his own nation, and remained always loyal, regardless of claims and inducements to the contrary, to his beloved France. No scandal ever besmirched the sacred robes that he wore. He gave public and international dignity to his office by the splendor of

his talents. Statesman of France and Prime Minister of his king, he had at heart the interests of country and the weal of his sovereign, whom he valiantly served by the magnificence of his powers above all and even against the very welfare of his church, in which he also had the highest ambition—no less than to wear the Papal crown. He refused not to make league with non-Catholic countries during the Thirty Years' War—that he might check the plans of Catholic nations against his own sacred native land. Naturally, such a man had enemies within the pale of his own church; but the strong hand he played and held enabled him to suppress, in their turn, all plots conceived against him, even when the king himself had consented to the Cardinal's own undoing. To his latest breath he held the reins of power absolutely in his hands, and wore the purple of a churchly prince. The tiara he lost.

Richelieu, son of the Church and prime minister of the king, had his earliest experience as a soldier as a leader against the Huguenots. He commanded the army in person. Muse and metaphor have created a halo about the name of Huguenots. They were noble in their willingness to suffer for their opinions; but with the frailty of human race, they did not always remain in the straight path. Clothed with the fullest religious privileges by living in their own cities,—the grants of Henry of Navarre, King of France,—the Huguenots were not contented with liberty of conscience, but sometimes, in the mighty disputes and dissensions of the times, joined hands with the foes of France. Richelieu determined to end this condition of State affairs. Environed by forts and fortresses, the Huguenots not only refused to keep the compacts they had made with the government to allow Catholics to have religious freedom and the ministrations of their priests in their greatest of fortified towns, La Rochelle, but, when occasion arose, turned their strength, forces and weapons against the constituted authorities of France, not only to defend their religious principles and privileges, but to use them in matters entirely civil and not affecting, in any manner, their denominational liberties. It was a realm within the realm—a power, not only dangerous to the State, but illegal.

During a brief struggle in the Vatelme, some of the towns of the Huguenots revolted and asked the aid of Great Britain in a contest against their own king. At that very period Richelieu was the foe of the Catholic States and the friend of the Protestant nations; enemy to the former from the Cardinal's jealousy of their power and because of his undeviating devotion to the interests of France and her king. France had to hold in check her enemies within her kingdom and fight those without. France could never be strong nor safe while the situation, in which the Huguenots placed it, existed.

The edict of Nantes was still intact. The Catholic administration did not deny the right of the Huguenots to free religious worship. There was at this period (1626) more religious freedom in Roman Catholic France than in England itself. No other country in Continental Europe equalled in guaranteed religious liberty that of France. Richelieu himself, in matters of State, was the very life and exponent of the mind of France.

The issue between Richelieu and the Huguenots was joined in 1629. The Protestants of La Rochelle demanded the destruction of the power-

ful fortress of St. Louis, which dominated their city and which was a constant threat to their safety. At Beam the presence of Catholic priests, who had the right under the edict of Nantes to be there, and the razing of many fortified towns was a constant source of irritation to enthusiastic Protestants, and these, united with the belief that their faith was only safe under the reign of a sovereign of the same heart and mind, kept the Huguenots and the government in uncompromising antagonism to each other. There was an irrepressible conflict between them. It required but a spark to light the fires of internal warfare. Buckingham, of England, was the incendiary. The courtier Buckingham was the indirect cause of the final overthrow of the Huguenots of La Rochelle. He had been to Paris. After the manner of the times, he became involved in an act, falsely so-called, of "gallantry" that offended the French king. When Buckingham wanted to visit the French capital again, he was told that he was a *persona non grata*. The Duke is not credited with stirring up a war in order to avenge his personal treatment, "though," says James Breck Perkins, "unquestionably this had some influence in his action." Both countries were complainants. England affirmed that the Huguenots were not dealt with fairly and openly charged the French king, Louis the Thirteenth, with violating his agreement. The English cruisers under different pretexts captured French ships and made prizes of them. War came. Buckingham sailed with a strong fleet in July, 1627, for La Rochelle. Richelieu was more than equal to the combat of strength and strategy. The alleged purpose of the expedition was to secure the destruction of the fortress of St. Louis.

The English landed on the Isle of Re, just on the outskirts of La Rochelle, and laid siege to the Fort of St. Martin. While Buckingham lagged in his efforts and let the capture of the fortress slip from his hands, whose possession would have made him master of the island and would have put him in touch with La Rochelle, Richelieu hastened with rapid strides to the defeat of the invader's plans. The Cardinal was a born soldier and statesman. Against the scornfulness of Buckingham, Richelieu placed the fleetness of the hare, the courage of a knight and the ability of a commander. The French king was sick. Richelieu was the real sovereign. He immediately raised troops and sent them to St. Martin. He gathered the sinews of war; he offered great inducements to all who would convey supplies to the beleaguered; he pledged his resources to those who would aid the cause of France, and put his own purse between the delays of the State and the calls upon it to meet its financial obligations.

The French had no Navy. In their dire need of ships they had to secure help from the Dutch and Spanish. They were then both at war with England. The Dutch were not willing to assail their Protestant brethren—the Huguenots. The Spanish sent a fleet to La Rochelle, which came and went, leaving France to battle alone in her contest with both Englishmen and rebellious Frenchmen. Richelieu, in a passion, exclaimed: "They (the Spaniards) have God and the Virgin in their mouths, and beads in their hands; but only their own temporal interests in their hearts!"

The English maintained a vigil over the channel to St. Martin's; but, inspired by Richelieu's enthusiasm, and animated by his large offers, French ships, in stormy nights, evaded the guards of the sea, and carried succors and supplies to St. Martin's. So the English fleet sailed away without reducing it.

Again it came, but with equally unsuccessful results, while the genius and energy of Richelieu finally compelled the surrender of La Rochelle. He held the ground around the doomed city. It could not obtain assistance by land. Richelieu resolved that the doors of the sea should also be closed against it. He began the construction of a dike across the mouth of the harbor of La Rochelle. Storm and water hindered and delayed his project and obstructed his work; but, in time, only a brief space was left to the entrance of the port, and this distance was commanded by French guns. When fifteen thousand people had perished by starvation, and only 150 men were left fit for military duty, and when the besieged were reduced to leather from their harness for diet, after fifteen months of siege, on October 28, 1628, La Rochelle capitulated. Six days after the surrender a great storm broke a considerable part of the bulkhead across the harbor and the British fleet could have entered the port. It was then too late.

No slaughter of the captured ensued. Richelieu gave the Huguenots their property and secured to them their religious rights. This Catholic primate had no religious hatreds. He loved his country, and the only boon he required was the destruction of the fortresses of the defeated, while he gave them beside the right to live in any part of France. No potentate was more liberal to his religious opponents than this Catholic Cardinal, and that, too, in an age full of cruelties and animosities founded often simply on religious differences,—Lord Baltimore alone outshone him in the lustre of his liberal views upon the rights of religion. George Calvert conceived and executed the idea of a free church in a free State, and to toleration of religious equality he added the twin privilege of freemen to have no tests for public place and position save the fitness of the incumbent to discharge the duties of his office.

One ban only stood in bar of the propagation of Calvinism in France. This was that no Huguenot could hereafter live in La Rochelle. Town after town of the Huguenots fell, and, while their religious privileges were assured them, their political power in France was forever broken. The rights of Catholics to worship in places heretofore inaccessible to them, was granted them. Richelieu rejoiced. He exclaimed: "The ark beat down the temple of Dragon, and God entered in triumph in places from which His worship had been sacrilegiously banished."

The mildness of the French Catholics of this period was marked. A few Huguenots who, unconquered, held out, were hanged; but Louis gave amnesty to almost all of the rebellious Huguenots, and when their stronghold was taken and their fortifications dismantled, he once more proclaimed the Edict of Nantes that sacredly reaffirmed what had been granted them by this famous document of Henry of Navarre.

The times, however, were not free from dangerous dogmas. Many, even the learned, had firm faith in sorcery, bewitchment and enchant-

ments. It gave protection to neither Catholic, nor priest, nor Protestant. It was frightful delusion. To be accused of this misdemeanor and crime was a charge easy to make and not very difficult to establish, but very hard to disprove.

The case and career of Urbain Grandier throws a glare of light on the disjointed condition of the human mind in these benighted times. He was a priest of a charming personality and a handsome face—and the cure of St. Peter's in Loudain. His abilities were not mean, nor was his reputation good. His conduct brought him into many imbroglíos and his foes sought his removal. He had a strong friend in the Archbishop of Bordeaux, and, through him, Grandier was acquitted of the accusations against him. There was a surer path for his enemies to compass his ruin, so Grandier was charged with the crime of witchcraft, and his alleged victims were the inmates of the Convent of Loudain. This was in 1632—the year Lord Baltimore obtained his charter to found a land free from such direful superstitions. Religious services were employed to expel the exorcisms of Grandier and Satan combined. The result was that it was declared that the evil spirits had not been dislodged from their alleged habitations. The frenzied foes of the unfortunate priest declared that only his death could relieve the persecuted nuns from the ills and injuries, and, it might be well added, the illusions that annoyed them. The noise of the conflict was heard in Paris, where it became, as it did later in London, the topic of conversation.

The government now took a hand in the matter. A special court was organized to try Grandier on the accusation of being the instigator of the constant and terrifying visitations that were made in the convent of the Ursuline Sisters and of being the partner of Beelzebub in causing the nocturnal apparitions in this sacred recluse where they were alleged to be visible to some of the nuns.

The Sisters testified. The judges examined Grandier for the marks of Apollyon upon him. None were discovered; but medical men declared, after examining the nuns and after listening to their testimony, that they had found in the case of some of the nuns, "*proof of possession by the Evil One!*" The Bishop of Poitiers gave as his opinion that the indictment for the use of magic had been sustained. The Doctor of Sarbonne, on consultation, came to the same conclusion. The magistrate before whom Grandier was tried found him guilty, and he was burned to death. Three monks were his executioners.

Richelieu, in a letter regarding this monstrous case, in which, while he does not express his belief in witchcraft, yet had no word in Grandier's behalf. It was said that when Grandier was burning he did not cast his eyes on the image of Christ and on the Virgin, and refused to accept a crucifix offered him by a priest—"thus showing," says the Cardinal, "the power the Devil exercises over those who have voluntarily given themselves into his hands."

Richelieu died in the fifty-eighth year of his age. He knew death was at hand. As the hour of dissolution approached, he met it calmly with a sincere religious faith. When he had received the last rites of the Church, he said to the ministering priest: "Talk to me as a great

sinner; and treat me as you would the humblest in your parish." "Do you pardon your enemies?" asked his clergyman. "I have had none but those of State," was Richelieu's reply. As the priest brought the Sacrament to him, the Cardinal said: "My Judge will soon pass sentence on me. I pray Him to condemn me if I have desired anything but the good of religion and the State."

The Pope, the people and the King did not sigh at his death. Urban VIII said: "If there be a God, he will have to suffer; but, if not, he has done well." The King was relieved; the nobility had hated Richelieu; and the whole country desired a change, and bonfires were lighted in some places when the news of his death arrived.

Richelieu died immensely wealthy. His gains had been gathered at his country's coffers. It was the custom of the age for men in high places to grow rich out of their positions. The conspicuous jewel that shines with brightest lustre in the reputation of Cardinal Richelieu was the fact that, in France, a Catholic monarchical government, there was approximately religious freedom under his administration, while, at the same time, in England, with a constitutional government, and all continental Europe, France alone excepted, there were grievous persecutions on account of religious differences with the established churches of the land. The lesson of history is that no sweeping charge of intolerance and persecution of other denominations covers the acts, life and character of Catholics and the Catholic hierarchy. Each epoch and each man who crossed the page of time is not to be included in an unreasonable and arbitrary rule, but they should be judged, the era by its facts and the man by his deeds.

While we have considered with interest and gratification the liberal conduct of Cardinal Richelieu in his treatment of the Huguenots, it must not be overlooked that the state of religion in France was far removed from perfection and its relationship to the government was not the idealistic condition that prevailed in Maryland. The Bishops of the Church were appointed by the king. The Pope held the veto. These dual powers became a source of trouble and scandal. The Pope having refused in Richelieu's time to confirm the nominations of the King, the controversy became so warm that the threat was made that these ecclesiastics would perform their official duties without the approval of the Papal See. Then the clergy had large holdings, and claimed freedom from taxation and yet participation in the government. This Richelieu resisted and a compromise was effected by the Church, giving the King a largesse. Even benefices were bartered—a condition very far removed from the free church and splendid purity of Christianity in Maryland. When Richelieu received his cardinalate, "he no longer cared," says James Breck Perkins, in his *Richelieu*, pages 280-1, "to hold his bishopric. But the office represented certain income, it had a commercial value, and the Cardinal no more thought of giving this away, except for a proper return, than of disposing of any other portion of his estate, without being paid for it. The bargain for the sale of the bishopric was reduced to writing and preserved among his papers. Manifestly there was no more feeling of impropriety than if he had agreed to sell a right of grazing, or a piece of pasture land.

The bishopric was transferred to the Dean of St. Martin of Tours, who was probably a fit man for the position, but he paid for it its full value." These simoniacal deliveries were not, however, to be consummated unless both the King and the Pope, it was agreed, consented to accept the resignation of Richelieu and the appointment of the purchaser.

AUSTRIA.

SECTION 8.—AUSTRIA THE PIVOT ON WHICH TURNED A SANGUINARY RELIGIOUS WAR. Austria was the axis on which revolved the initiative of the Thirty Years' War—1612-1648. Ferdinand the Second of Austria had determined to restore Germany to the Catholic faith. He had resolved to establish the rule of the Jesuits, when King of Bohemia in 1618. The thirty years' struggle of that bitter and sanguinary conflict ensued, following in the wake of Ferdinand's efforts to restore the old order of religious affairs. For the first years of its frightful conditions the battle surged between Protestantism and Catholicism. In war liberty is dead as well as laws are silent. In 1632, Gustavus Adolphus had been slain. In 1635, Wallenstein had been assassinated. The same year France entered the conflict. It now ceased to be a religious combat, but became an ordeal of battle between France and the House of Hapsburg, though religious persecutions were yet bitter and rampant. Nor did concessions to the Protestants in Hungary stop the Moloch of hate, enmity and cruelty, and Austria was as ever determined to make religion a part of statecraft. It failed not to create disorder, discontent and distraction.

Having examined the intolerable state of Western Christendom in general in its aspects of free worship, let us investigate the condition of the American colonies that had already been settled when the Pilgrims of Maryland lifted the banners of liberty and see what were the principles on which others were peopled that followed Lord Baltimore's noble enterprise.

CHAPTER THREE.

The Spirit of Intolerance Was General Throughout the Other American Colonies While Lord Baltimore Was Settling and Developing Maryland.

PERIOD—1607 TO 1689.

SECTION 1.—THE SETTLEMENT OF VIRGINIA—THE FIRST PERMANENT AMERICAN COLONY—1607. British-Americans were infused generally with the spirit of Englishmen at home. In many and in most cases where the colonists made settlements for their own freedom of worship, they were equally tenacious of the principle that no others should have the same liberty in their colony. The drastic laws of England, relative to religious matters, were either incorporated into their charters and written statutes or else made the law of the realm by custom and practice. Virginia was settled in 1607. The fourteenth section of the First Elizabeth, Chapter 2, of England, obliged all persons, "not having lawful excuse, to resort to their Parish Church, or Chapel, on every Sunday, and other days ordained and used as Holy Days, and then and there abide in decent manner, during the time of common prayer, preaching or other service of God." The stringent spirit of this law was enforced in Virginia at its earliest settlement. When, in 1611, Gale and Gates were in power in that commonwealth, and the colony had had imported into it, under the Virginia Company, a large number of those who in these days would be considered very "undesirable citizens," the affairs of religion became a subject of public administration and the neglect of them made the offender the perpetrator of high crimes and misdemeanors. The people must attend public worship and receive and be instructed in the articles of religion. This duty of requiring the settlers to engage in religious services was laid upon the captain of the watch. It was his office, a half hour before divine services, morning and evening, to close the doors and to place sentinels in the fort, and, the bell having tolled the last time, to search all the houses of the town (Jamestown), and to command every one of what qualitie whatsoever (the sick and the hurt excepted), to repair to church, after which he was to follow all the guards with their arms into the church, and lay the keys before the Governor.

On Sunday the Captain of the Watch was to see that the Sabbath was noways profaned by any disorders, gaming, drunkenness, intemperate meetings, or such like, in public or private, in the streets or in the houses. Further, on the Sabbath, all were obliged, under severe penalties, to attend divine worship, hear sermons, and be catechised morning and evening.

Any person arriving in the colony was required to give an account of his or her religious faith to the minister and to seek religious instruction from him.

In the early days of the colony the Church of England was established by law in Virginia. By this those who opposed the principle of a State Church nevertheless had to pay taxes to support it. A law was enacted that forbade any one to officiate in a church within the colony who did not conform to the Book of Common Prayer. Some of the non-conformists were fined, their ministers banished, and, finally, the whole body of Puritans had, in 1649, to flee to Maryland for asylum, rights of conscience, home and civil and religious liberty. Maryland was a Catholic colony.

In 1611, the English colony had sent Sir Thomas Dale to America, giving him the title of High Marshal of Virginia. He brought with him, for the government of the colony, a remarkable Code, from which the quotations above have been made. This body of laws enforced attendance at daily worship by a penalty for non-attendance of six months in the galleys, and a failure to appear at Sunday service was punishable by death. An important fact here has to be noted that it is of authentic history that Sir Thomas was dealing with emigrants who had penal records. The worst age of England was reflected with sanguinary additions to its religious sentences.

The other colony, already in Virginia, had a separate settlement from the new arrivals. They were two distinct branches. It is more than interesting to note the manner in which these newly arrived Virginians were to treat offenders against their religious laws. "To blaspheme God," or "to speak against the known articles of the Christian faith," or "to speak any word or do any act which may tend to the derision of God's holy word," were capital offenses. Any man who improperly "demeaned himself unto any preacher or minister of God's word," or failed to "hold him in all reverent regard and dutiful entreaty," should be openly whipped three times, and, after each whipping, should publicly acknowledge his crime. The ministers were authorized to examine all new emigrants, and, if any were lacking in his religious examination, they were to come, as often as the minister required them, to be catechised and instructed. To refuse to attend, if persisted in with obstinacy, was a capital offence. There is reason to believe that this harsh and cruel code was not carried into effect with all its rigors, but it is evident from the construction of the laws and the fact of an established church, the importation of the statute of 1st Elizabeth, 2nd Chapter, requiring, under fine, all persons to attend public worship, and the persecution of the Puritans, that Virginia was not a free nor tolerant colony in religious matters.

The Virginia Company was dissolved in 1625 and Charles the First took the government of the colony into his own hands and issued a commission to Sir Thomas Wyet, as Governor. The charter of Virginia "expressly required that oaths of allegiance and supremacy should be taken for the purpose of guarding against the superstitions of the Church of Rome." (*Campbell's History of Virginia*, p. 184). The governments in those days were partisans of denominational differences. So the benign spirit of toleration was entirely wanting in the body politic of the first settlement of the American colonies. In passing through the musty pages of these annals there is found a quaint record

in an old Virginia document: "March 25, 1630, Thomas Tindall to be pilloried for two hours for giving my Lord Baltimore the lie, and threatening to knock him down."

The spirit of intolerance grew with the growth of years. Howison describing the times in the year 1642, writes: "*The Assembly proceeded to pass laws of the most stringent character on the subject of religion; strict conformity was required; tithes were inexorably imposed; ministers were invested with a sanctity savoring strongly of superstition; popish recusants were forbidden to hold any office, and their priests were to be banished from the country; the oath of supremacy to the King, as the head of the Church, was in all cases to be tendered; dissenting preachers were strictly forbidden to exercise their office, and the Governor and Council were empowered to compel 'non-conformists to depart the Colony with all convenience.'*"—Howison's *Virginia*, Vol. I, p. 283.

These bitter statutes reached the height of their ultimate spirit of grievous intolerance in 1648, when Governor Berkeley, invoking to his aid the laws of England against the Puritans, finding none sufficiently rigorous amongst the Acts of Virginia, persecuted the Puritans of the Commonwealth in a manner that made their stay in that colony impossible. He drove away their teachers and preachers, he disarmed the people in the midst of savages, and put them all in a condition of banishment, "so that they knew not how in these straits to dispose themselves."

Then they turned their longing eyes to free and Catholic Maryland.

SECTION 2.—THE SETTLEMENT OF NEW YORK BY THE DUTCH IN 1614—THE SECOND PERMANENT AMERICAN COLONY. The Dutch, under the auspices of the East India Company, settled New York in 1614. The settlements there began as Indian trading posts. In 1629, under Winter Van Twiller, a number of colonists arrived at New Amsterdam, now New York City. Twiller held also a charter from the East India Company. As all were of one faith no issue of religious freedom arose; but, as soon as other emigrants of opposite denominational views came and desired rights of worship (1654) it was announced by the East India Company, that no other doctrine was to be encouraged except "the true Reformed religion." The claim that New York was the first colony to accord toleration to all sects rest on no foundation whatever, except that the question was never raised because all were of the same belief; but the moment equality of creeds was at issue, the intolerance of the New York settlement was shown to be of the same character of that of all the New England colonies. Where a charter was given the Commonwealth and a permanent government was set up, then and there began an established church, for, as the authorities issued other charters in 1639, to their Pennsylvania settlements, they required that the people "shall particularly exert themselves to find speedy means to maintain a clergyman and schoolmaster. The settlers were Dutch Reformers. In the Articles of Colonization and Trade in New Netherlands (New York), formulated in 1658, it is stated in the preamble that in the first commencement of this popula-

then, proper, arrangement be made for Divine Worship, "*according to the practice established by the government of this country.*" A State, and not a free Church, was thus provided for under the laws of the country, and that State Church a particular, specified denomination.

'The Governor of the colony exercised ecclesiastical powers to such an extent that he could, and did, in December, 1654, order a public house of worship to be built at Flatbush. He directed another to be built at Brooklyn, which was commenced in 1654.

In 1642, Ann Hutchinson and others, for a brief space, found asylum in New York, from religious persecutions; but it was an ecclesiastical condition. The Dutch Reformers accorded religious freedom only to those whom they wished. It was not a universal aegis. A number of Quakers who had been driven out of Massachusetts, having passed through the Province of New York, left behind two of their young women, of strong physique, and, evidently, of robust voice, to proclaim their faith. As soon as their ship had fairly departed, "these," recounts the ancient narrative, "*began to quake and go in a frenzy*, and cry out loudly in the middle of the street, that men should repent for the day of judgment was at hand. Our people, not knowing what was the matter, ran to and fro, while one cried 'Fire,' and another something else. The Fiscal, with accompanying officer, seized both by their heads and led them to prison. On their way to jail they continued to cry out and pray according to their manner, and continued to do so when in prison. We perceive from this circumstance that the Devil is the same everywhere."

In 1654, the Lutherans asked permission to erect a church in New Amsterdam. They were refused their request. An appeal to the West India Company brought the reply that no other doctrine should be encouraged in the settlement except "the true reformed" religion. In 1656, clergyman Stuyvesant issued a proclamation against unorthodox ministers preaching—he being the judge of the question of orthodoxy. Those who preached were to be fined a hundred pounds and those who attended such assemblies were to be mulcted twenty-five pounds. This proclamation the West India Company rebuked.

The zeal of the Dutch Reformers and their unmitigated intolerance of any performance of public worship except their own are indicated by the complaint of Magapolensis and Drisius in 1656, made to the Director, and the subsequent action of the authorities upon that recital of wrongs, "that unqualified persons were preaching and holding conventicles at Middleburg, from which nothing could be expected but discord and confusion, and disorder in Church and State." Stuyvesant, the Director-General of the Settlement, was a zealous son of the Church. He was an overstrict constructionist and loved the display of arbitrary power. A proclamation, assuming to promote the glory of God, the increase of the Reformed Religion, and the peace and harmony of the country, soon appeared forbidding preachers "not having been called thereto by ecclesiastical or temporal authority from holding conventicles not in harmony with the established religion as set forth by the Synod of Dort," and, as here in this land, and in the Fatherland, and in other Reformed Churches observed and followed." This was the

law of freedom of religion under the Dutch Reformers of New York, or New Netherlands, and quite in discordance with the sublime tenets of Catholic Maryland.

The New York laws, (towards the close of the seventeenth century), against Jesuits and "Popish Priests were harsh and founded on the false principle that they incited the Indians to acts of violence." (*Reuben Gold Thwaites*, p. 230, in *Epochs of American History*). During the summer of 1700, the New York Legislature passed an Act to hang every Roman Catholic who came voluntarily into the Province. This was inspired by the belief that French Catholics urged the Indians to deeds of cruelty. (*History of New York by W. H. Carpenter and T. S. Arthur*, p. 135.)

SECTION 2.—THE SETTLEMENT OF MASSACHUSETTS IN 1620 AND THE INTOLERANCE OF THE COLONY.—THE THIRD PERMANENT COLONY. The settlers of Massachusetts desired freedom of religion for themselves, but they were not willing to grant that boon to others. In 1635, Philip Raeliffe, a servant of Governor Matthew Craddock, "for angrily inveighing *against the Church government* and the magistrate of Salem," was whipped and banished, and that *after being heavily fined and mutilated*. Roger Williams was directly expatriated for his religious views, in October, 1635, when the people of Maryland were enjoying the fullest liberty of conscience. Williams was tried before the Governor and other civil officers of Massachusetts, the main and basal charge being that he held *that the civil power had no jurisdiction over the conscience*. His sentence was banishment. He escaped arrest by fleeing to Rhode Island, where, in 1636, two years after the settlement of Maryland, the Pioneer Colony of American Religious Liberty, this second great American Apostle of Freedom, set up a commonwealth, where all persons had religious liberty except Catholics.

Mrs. Anna Hutchinson arrived in Massachusetts in 1634. Her religious views contained, said Governor Winslow, two dangerous errors: "First—That the person of the Holy Ghost dwells in a justified person. Second—That no sanctification can help to evidence our justification." Wheelwright, a preacher, was found guilty of sedition because he counselled people to fight for their liberties; "but with weapons spiritual, not carnal." Wheelwright was banished from the Province for his religious views and Mrs. Hutchinson's fate soon followed. She was tried in November, 1639, and was ordered to leave the Colony. Nearly a hundred of her followers were punished in one form or another—some by fines, other by disarmament, and yet other by practical banishment. Wheelwright finally had to recant his views in order to remain at Plymouth. "Under such conditions, there could safely be neither liberty of opinion, nor of speech." (Albert Bushell Hart, *Epochs of American History*, p. 135-6.)

In 1657, it was enacted that Quakers who returned to Massachusetts after banishment, should have their ears cropped off, and for their third offence would have their tongues pierced with red-hot irons. In 1659 and 1666 four Quakers lost their lives by hanging on the Boston Commons.

SECTION 3.—THE SETTLEMENT OF MAINE—1622—CHARTER OF 1639—FOURTH PERMANENT COLONY. Settlements began in Maine as early as 1622. It had, however, no separate charter of rights until 1639. The people of that settlement put their belief of their right to regulate, by State ordinances, matters of religion into very vigorous laws. An early order was passed by the Court that directed *all persons in the western colony or division to bring their unbaptized children to the ordinance*. A penalty was provided for all those who, after a minister was settled in his plantation, refused to obey the mandate of law, and after “the worshipful Thomas Gorgas and Edward Goyrey, the Senior Councillor of the Province, should enjoin upon him his duty.” On being summoned after refusal to obey the command, all were to answer for a *contempt of Court*.

Maine did not permit the presence of unauthorized preachers. An itinerant declaimer of the Gospel was an offender under the common law of Maine. The General Court made it a penal offence for any person to publicly preach or “prophecy,” without first being “approved” by four neighboring churches, and the Court also required each town to provide “for the support of a pious ministry.” (*Williamson's History of Maine*. Pgs. 268, 322, 355.)

The Courts held by their own motion the authority to provide for the maintenance of Christian doctrine and for the establishment of public worship. The charter of Maine gave the proprietor the right to build churches and he had the patronage of them—that is, he could name its ministers. He was, indeed, the head of the church in the colony. There was no free church in Maine. Whether or not they were of the faith of the church established in the colony, all the people were compelled to sustain it by law.

The Rev. John Wheelwright for teaching that “the Holy Spirit dwells personally in a justified convert, and that sanctification can in no wise evince believers their justification,” on being sentenced, as we have seen, to banishment, took refuge in Maine. Yet the drastic influence of the Massachusetts colony was such over the new settlement, over which the latter claimed authority, that those who differed with the parent province, began to look toward Maryland, the free and peerless, as a refuge against State and ecclesiastical tyranny, and negotiations began for their emigration to “the Land of the Sanctuary.” This plan was not, however, consummated.

In 1605, a charter was given Maine; but in 1668, Massachusetts resolutely withdrew the grant and again put Maine under its government, and the law of Massachusetts, under the charter of 1639 given Maine, became the law of that colony. Robert Gorgas was the Governor under the new arrangement.

SECTION 5.—THE SETTLEMENT OF NEW HAMPSHIRE IN 1629—FIFTH PERMANENT COLONY. The colonization of New Hampshire was an offshoot from the Massachusetts colony. In 1629, Captain John Mason obtained a grant to settle the country. At Portsmouth the settlers laid out glebe lands and engaged the services of a clergyman of the Church of England, the Rev. Richard Gibson, to be their pastor. They had reckoned without their host. The new pastor consented to fill the charge and began his work. The Massachusetts colony had its righteous,

puritanical spirit aroused at the establishment of "prelacy," as they were wont to call the English Church. The Bay State authorities intervened, *and drove the Anglican minister from his post.* The people of Salisbury resented the action of the Massachusetts officers, and Lieutenant Pike denounced their conduct in such vigorous terms that he was deprived of his right to vote for declaring that the officers of the Court had violated their oaths in issuing such an order. He had his retribution. He was, under a petition of his friends, restored to his citizenship and elected to sit on the bench with the very men who had mulcted him. The people of New Hampshire were more tolerant than the Massachusetts colony; but they were not the governing power, and were held in the throes of that bitter bigotry that throttled liberty wherever it had the hand of authority.

In 1666, New Hampshire was finally separated from Massachusetts, but until this division they were governed with all the intolerant spirit that animates Puritanism in public affairs. Their motto was and is—We are right in religion and all others who differ with us are wrong and have no denominational rights. Hence, we have the sole privilege in our government and jurisdiction to practice our religion and to prevent all others from enjoying this liberty except in the way and manner that we shall approve. Not only did the Puritans prescribe the mode and method of religious worship, but they dictated the articles of clothing the people should wear. "No person, not worth two hundred pounds, was allowed to wear gold or silver, lace or silk, hoods or scarfs." (*Belknap, Vol. 1. p. 71.*)

SECTION 5.—THE SETTLEMENT OF MARYLAND IN 1634—THE SIXTH PERMANENT COLONY. The age was dark. On the stormy sea of its national and international perplexities there was no beacon light gleaming over the gloomy waters to give hope to the people and to gladden their aspirations. It was an era of hatreds, misunderstandings and animosities. The light of Christianity that should have shown the world the paths of peace, was often the source of its tumults, cruelties and sufferings. There was no harbor of safety—no arcana of refuge. In the American colonies themselves there was not a settlement where there was even the semblance of a free government in matters of religion. From the first colonizing of Virginia, in 1607, it does not appear that the thought had even been suggested of the right to found, or of the possibility of the establishment of, a free State, a free Church and a perfectly free people, in matters of religion anywhere in the American Plantations. The wide world itself was without a religious sanctuary.

At this epoch another immortal stepped into the seething arena of a mighty world's tumultuous affairs.

He was not a soldier—for he had neither been bred to the profession of arms, nor had he taken up the sword at the call of sudden duty.

He was not famed in literature, though he was both scholar and student,—he had not sought honor by the plume.

He was not a priest—he was only the simple, pious, modest layman.

This man was a statesman, but he had laid aside all his honors, hopes and promotion in the public affairs of his country on the altar

of his convictions, for his religion was under the ban of law in his native land—and none who professed it, might enjoy place, nor profits under its ample government. He was a knight, a gentleman, a man of means, a friend of the king, a wise counsellor and a devout Christian. This learned and noble character was George Calvert, Proprietor of Avalon and Baron of Lord Baltimore.

He had already made one settlement in the new world before he began the establishment of Maryland—Avalon, in Newfoundland. War, successful as it was with the French, and the unfriendly climate that could not be mitigated, caused the proprietor to abandon his project there and seek, under the favor of his King, Charles the First, to settle in or near Virginia, in a warmer latitude. When he arrived in the Chesapeake, the Virginians did not wish him to remain and they received him with no greetings or sentiments of friendship. They readily discovered a way to thwart the plans of Lord Baltimore to live in their colony. They employed the device of the tyrant and the enginery of persecution, so prevalent and formidable in that epoch. They demanded of him to take the oath of supremacy. This as a Catholic he could not conscientiously do. He could not affirm on the Holy Evangel of Almighty God that he believed the King of England to be the Spiritual Head of the Church, friend though he was personally of the King. Lord Baltimore offered to take a modified form of the oath; but, as the tender of the affirmation was to drive him away, the profferers would not compromise so as to defeat the object of their strategem. He left the unkindly shores of Virginia and repaired to England.

This dark hour in the history of Lord Baltimore became the cornerstone of his fame. His enemies were his best friends, although their machinations were not intended as kindnesses. Had Lord Baltimore remained, Maryland might not have been, and his opportunity to win immortal fame for himself might never have opened. He returned to England. His sovereign was still his friend and agreed to give him Maryland as his Palatinate. He died before the grant was signed, but the king kept his promise with his son, Cecilius, and in 1634, the little colony arrived in the Chesapeake. We have thus fixed the place of Maryland in the chronology of the settlement of the several American Plantations up to the period of their establishment, and will now pass on to record the dates and the names of the remaining colonies in their order, with the spirit that moved the settlers in their own relationship to religion and the religious rights that they accorded or denied to others. In its appropriate place at a later stage in this history, we will tell the story of Maryland and her liberal settlement in more ample detail.

SECTION 7.—SETTLEMENT OF RHODE ISLAND IN 1636—THE SEVENTH PERMANENT COLONY. The spirit of intolerance, bitter and relentless, shown by the founders of New England, and emanating from its central source—the Massachusetts Bay Colony—was most manifestly indirectly displayed in the settlement of Rhode Island, in 1636, two years after Lord Baltimore had planted Maryland. The first settlers of Rhode Island were refugees from the religious persecutions of their own Protestant brethren in Massachusetts. Roger Williams did not flee from the intolerance of American Catholics; but from the bias

and tyranny of British-American Puritans. While the animus of the settlement of Rhode Island carries with it apparently freedom of religion to all of its inhabitants, and glowing are the eulogies upon Roger Williams and his broad views upon religious rights, yet, in some way, that historians have not been able to satisfactorily settle, nor to say at what time the organic law of Rhode Island had injected into it one exception at least to perfect liberty of worship. This was an inhibition upon Roman Catholics. They were not entitled to the benefits of protection in Rhode Island. The date of the alleged Act of prohibition is given as having passed in 1664. In the Records of the Colony of Rhode Island, edited by John Russell Bartlett, Secretary of State, Vol. 11, page 36, he says that in the original proceedings in the year 1664, there is no such record that such an Act was passed; but he states that this law appears in the printed digests of 1719, 1731 and 1767, and reads:—"that all men professing Christianity, and of competent estates of civil conversation, who acknowledge and are obedient to the civil magistrates, though of different judgments in religious affairs, (Roman Catholics only excepted,) shall be admitted as free men, and shall have liberty to chuse and be chosen officers in the colony, both military and civil." Mr. Bartlett suggests that this exception of Catholics to the benefits of religious liberty was placed there by the editors of the Digests. Presumptuous interpolation, if such it was, that altered the policy of a State on so vital a question. The more natural explanation is *that it was there by right of law and policy*, because it was then the very spirit of the age throughout the American colonies, Maryland alone excepted, when it was alleged to have been enacted—the year 1664. This exception was carried from one Digest to another, until three had contained it, and was for fifty years so acknowledged as a law of Rhode Island, and that without any complaint from its contemporaries that it was wrong. It only came about to deny its existence when it became necessary in this age to clear Rhode Island's name from the charge of intolerance. The disqualification was removed in 1783. (*Bartlett, Vol. 2, p. 37*). Yet even if the law never was passed, Maryland's claim to have been the pioneer of religious liberty in the American colonies is still invulnerable, since the founding of Rhode Island, settled in 1636, was two years after Maryland had her virgin banner of absolute freedom to the breeze. It was the first constitutional government in the world where perfect freedom existed.

It is scarcely conceivable to believe that a body of codifiers, as the Rhode Island commission was, would have had the temerity to have placed such an important law in the Code of their Colony, as is claimed was done in Rhode Island in their different codes, unless they had had the sanction and support of an Act of Assembly upon the subject. Certain it is, the exception was the mind of the colony. Original proofs are often wanting of very important legal and historical facts. They have, sometimes, been destroyed, but the subsequent stream of public annals revives and re-asserts that which has been cast on the banks of oblivion and keeps it alive in the minds of men and on the pages of progress.

SECTION 8.—SETTLEMENT OF CONNECTICUT, IN 1636.—THE EIGHTH PERMANENT COLONY. Connecticut was settled in 1636.

Church and State were intimately connected in the Province. As late as 1726, an Act was passed in Connecticut laying a fine of twenty shillings on every person who should not attend a public service or at one in a private house on the Sabbath. A penalty of ten pounds, with corporal punishment of not exceeding twenty lashes, was provided for any person, not a regularly ordained minister, who should administer the sacraments. Conviction was to be had before the County Court. (*History of Connecticut, Theodore Dwight, jr.*, p. 268.) It is claimed that this law was enacted against immorality, and that license, if sought, could be obtained for assemblies in private houses. It is asserted that the Act was directed against meetings held by the Rogenes, who appeared in a notorious manner, nearly naked in churches during worship, and who insulted and interrupted churches and courts. (*Ibid* 259.) This was the law for whatever purpose it may have been enacted. Meanwhile the English Church was established in the Province.

"The First Code of Connecticut, compiled in 1650, required that all persons should be taxed for church as well as for State, and the taxes for the support of the minister and for other ecclesiastical purposes, were to be levied and collected like other taxes."—(*Connecticut, Alex. Johnston*, p. 224.)

Until the adoption of the Constitution of 1818, this union continued. Religious and ecclesiastical tests were applied to civil suffrage. All concessions, from 1650 to 1818, granted to other denominations, merely allowed them to use the civil power to secure their part of the taxes the State granted them. A man without church qualifications could not vote in church affairs; but he must vote to lay taxes to sustain them.

In 1657, a court for the Council of the Church declared that people must own the covenant and be baptized. In 1664, the General Court approved the decision of the Church Council, but gave to other sects rights in the streets, State and Church, as they were one inherently in town, they asserted.

In Connecticut were found the famous Blue Laws. Two definitions are extant as to the manner in which they received this title. "Blue, bloody laws" was one of them, found in Samuel Jarvis McCormick's *Connecticut*, p. 61. Another of general repute is that they were so called because they were written on blue paper. On June 4, 1639, the free planters at Quinnipiack proceeded to lay the foundations of their civil and religious polity. It was about this period that these ordinances prevailed. New Haven furnishes an example of them. They were in force in this city and corporation. The code is a curious epitome of the ideals of the Connecticut settlers. Amongst these severe regulations were these:—

"Whoever says there is a power and jurisdiction above and over this Dominion shall suffer death and loss of property.

"No one shall be a free man or give a vote, unless he be converted, and a member in full communion of one of the Churches allowed in this Dominion.

"No one shall hold any office, who is not found in the faith.

"No Quaker or dissenter from the *Established worship* of this Dominion shall be allowed to give a vote for the election of Magistrate, or any officer.

"No food or lodging shall be afforded to a Quaker, Adamite or other Heretic.

"If any person turns Quaker, he shall be banished, and not suffered to return upon pain of death.

"No Priest shall abide in the Dominion. He shall be banished, and suffer death on his return. *Priests may be seized by any one without warrant.*"

These laws passed upon many personal rights. One of these enacted that "no person shall run on the Sabbath, or walk in his garden or elsewhere except reverently to and from meeting.

"No woman shall kiss her child on the Sabbath or fasting days.

"No one shall read Common-Prayer, keep Christmas or Saints-days, make minced pies, dance, play cards, or play on any instrument of music, except the drum, trumpet and jews-harp.

"Married persons must live together or be imprisoned."

"Every male shall have his hair cut round according to a cap." *See McCormick, pages 58-61.)*

SECTION 9.—THE SETTLEMENT OF DELAWARE, 1637 AND 1640—THE NINTH PERMANENT COLONY. The first settlement made in Delaware by the whites was made under a contract by Samuel Biomert, Samuel Godwyn and David Pietersen de Vries. These colonists were massacred the same year. Another effort was made in 1637, under Peter Minuit. In 1643 the most liberal sentiments of toleration prevailed in Delaware.

The conditions of the settlement of Delaware, approved by the States General, about 1650, required that a church should be organized and a clergyman established as soon as there were 200 inhabitants. As late as 1682, however, only the professors of the religion of Jesus Christ could hold public offices or be legislators. No one could vote unless he had this religious qualification.

In 1658, when the Swedes began to preach their creed of Christianity, and had entered New Amstel, the Dutch, who had settled there in 1656, were greatly displeased, and the Dutch Commissioners of the colony wrote to Aldrichs, director of the new settlement, that: "*The bold undertaking of the Swedish parson to preach in the colony without permission does not greatly please us. No other religion but the reformed can, or may be, tolerated there; so you must, by proper means, put an end to such presumption on the part of other sectaries.*" In 1682, Delaware came under the government of William Penn, and the benign laws of Pennsylvania, to which commonwealth it was attached, was now the law of Delaware. Maryland had then been in existence with its religious freedom nearly a half century.

SECTION 10.—THE SETTLEMENT OF THE CAROLINAS—SOUTH CAROLINA IN 1663, AND OF NORTH CAROLINA IN 1730—THE TENTH AND ELEVENTH PERMANENT COLONIES. In March, 1663, Charles the Second gave a grant to Lord Clarendon and others to that section of country, lying on the Atlantic Ocean, which contained the present territory of North and South Carolina. A State Church was created by the charter. There was provision made, however, for indulgences to those who should not conform. The Assembly retained

the power to appoint as many ministers as the Legislature saw fit and to establish them. Political power controlled the church. *No un-churched or irreligious man* was allowed to hold any office of profit or trust. No man could hold an estate unless he acknowledged God and confessed that He was to be publicly worshipped. In 1701 an Act was passed making the Established Church of England the Established Church of North Carolina.

The first English settlement of South Carolina was under Governor Sayles, who landed in 1670 near Beaufort. David Ramsay, in his *History of South Carolina*, Vol. 1, page 37, says: "While one party (of the settlers) was attached to the Church of England, the other which had fled from the rigor of ecclesiastical power, was jealous, above all things, of their religious liberties and could bear no encroachments upon them. The same scenes of debate and contentions which had taken place in England, for some time before and after the restoration of Charles the Second, were acted over and over again in the little theatre of Carolina; but without bloodshed or legal persecution."

Governor West had great difficulty in restraining the Puritans and Cavaliers in their contentions from violating the rights of each other. "In spite of his authority, the Puritans and Cavaliers continued to insult each other. In consequence of their fierce dissensions, the colony was distracted with domestic differences and poorly prepared for defence against external enemies." (Ramsay, Vol. 1, p. 38).

The spirit of intolerance pervaded the whole colony; but the improvements of the age and the efforts of the executive combined prevented open violence. This, however, was forty years after Lord Baltimore had established freedom of conscience in Maryland.

Yet the ghost of persecution still lived in the Carolinas. In 1702, at the suggestion of Sir Nathaniel Johnson, Governor, the Assembly of South Carolina passed an Act, requiring that every person who should thereafter be chosen a member of the Legislature should take an oath and subscribe to the declaration appointed by it, to conform to the religion of the Church of England, and to take the Lord's Supper according to the rites of that Church. The bill passed the Lower House by the narrow margin of one vote. Having succeeded in securing the passage of this measure, Governor Johnson instituted a Court, composed of twenty lay members, for the exercise of ecclesiastical jurisdiction, with full powers to deprive ministers of their livings, at the pleasure of the Court, not only for immorality, but for imprudence. At the passage of the test Act, Joseph Moryon, a member of the Assembly, was not allowed even to register a protest. The Acts of the Assembly were disannulled in England. The South Carolina dissenters made a strong fight against this Act. Hence, the English veto.

SECTION 11.—THE SETTLEMENT OF NORTH CAROLINA IN 1730. North and South Carolina became two separate provinces in 1730 by the appointment of George Burrington as the Governor of the northern colony. While the two were yet united, Lord Granville, of England, had instructed Sir Nathaniel Moore to establish the Church of England by legal authority, and, in the same year, 1702, each precinct in the settlement was required to levy thirty pounds to support a minister.

A union of Church and State followed these commands. In 1705 the first church was built in North Carolina.

Quakers were not allowed to give evidence in any criminal case, to serve on juries or to hold office. (*Wheeler's North Carolina*, Vol. 1, p. 35). These laws were declared by the House of Lords to be illegal; but this did not clear the North Carolinians of the charge of intolerance. These severe Acts were the sentiments of a majority of the people. The Constitution of North Carolina was the work of Locke, the philosopher, who himself was ahead of the times on the rights of conscience, yet it contained this extraordinary provision: "*No person, above seventeen years of age, shall have any benefit or protection of law, which is not a member of some church or profession, having his name recorded in some one religious record.*" (*Salley's Narratives of North Carolina*, 1650-1780, p. 324. See *Charter of North Carolina*).

SECTION 12.—THE SETTLEMENT OF PENNSYLVANIA, 1664 AND 1682, THE TWELFTH PERMANENT SETTLEMENT. Pennsylvania, originally peopled by Dutch, Swedish and other nationalities, was finally settled by the English under William Penn, in 1681. The British authority had been previously enforced by the Governor of New York under the charter given in 1664 by the Duke of York. The charter of Pennsylvania declared that no one should be molested on account of their religion, provided he confessed one Almighty God "to be the creator, upholder and ruler of the world, and professeth himself or herself obliged, in conscience, to live peaceably and justly under the civil government." Abuse and derision of one another's religion was made punishable by law. A confession of a belief in Christianity was a necessary qualification to hold office. Pennsylvania was largely a prototype of Maryland's benign government, though it does not appear that Maryland, under Lord Baltimore, ever made any religious test whatever for one to hold office. Indeed, the provisions of the charter of Pennsylvania were drawn from the Maryland charter (1). The laws enacted under the Pennsylvania grant gave universal religious toleration. This was, however, a half century later than Calvert's illustrious enterprise.

SECTION 13.—THE SETTLEMENT OF NEW JERSEY IN 1666—THE THIRTEENTH PERMANENT COLONY. New Jersey was a portion of the territory granted to the Duke of York and which was ceded by him, in June, 1666, to Lord Berkeley and Sir George Calvert. Roman Catholics were not included in the tolerance given to others of different religious faiths, and, as late as 1693, an Act was passed in New Jersey, in which was incorporated a declaration that the party to accept office, had renounced "popery," and which required him, amongst other adjurations, to swear that "I, A. B., profess faith in God, the Father and Jesus Christ, His Eternal Son, the one God and in the Holy Spirit, one God, blessed forever more; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration."

The English Quakers obtained by purchase Lord Berkeley's share in the New Jersey plantation in 1673. The proprietaries agreed upon

(1) *Gordon's History of Pennsylvania*, page 57.

a charter, called "Concessions," in 1680. One of its provisions was that as "no man, nor number of men, upon earth, had the power to rule over men's consciences, no one should at any time, be called in question, or hurt in person, privilege, or estate, for the sake of his opinion, judgment, faith, or worship towards God in matters of religion." (*Goodwin's History of New Jersey*, page 35). Lord Baltimore's example was taking deeper root in American soil; but this once young sapling was now nearly a half century old. This sect, the Quakers, in the early part of the eighteenth century, in the State of New York, about the year 1710, were treated with great injustice. They were not allowed to affirm instead of making oaths—a custom that they considered unscriptural. The Governor possessed the arbitrary power to admit to or reject them from holding office.

Of all the thirteen permanent colonies, Marylanders alone breathed the pure air of a perfectly free religious atmosphere. The genius of its sublime institutions was not polluted by religious tests for office, rights or position, and no man was compelled to contribute by his goods to support a religious establishment in which he did not believe.

We shall now see in its order that all historians who have examined the subject concur in fixing upon one man as the founder of the first perfectly free commonwealth in the Christian world.

CHAPTER FOUR.

Lord Baltimore Conceived the Sublime Idea of the Establishment of a Commonwealth of Civil and Religious Liberty.

SECTION 1.—A HERO IN THE STRIFE. In the midst of the maelstroms of hate, cruelties and persecutions that prevailed in the old and new worlds there arose a man among the multitudes of men, "chosen of God," to point and to lead the people to a higher and better plane of civil and religious life. George Calvert, the first Lord Baltimore, as we have seen, was the hero in the strife. He conceived, originated and established a commonwealth where all, not using their liberty to the injury of the State, might worship God in perfect freedom, none daring to molest nor to make them afraid. He stands in the forefront of a dark and fanatical age, with the sombre clouds and dismal shades of religious animosities around him, envired with a halo of hope beaconing men to a nobler height. Lord Baltimore's peerless position as the first successful champion of actual religious liberty, is, occasionally, with supreme bigotry and bitterness, assailed. All credible authors, all students of history, all learned in the annals of Maryland and in the current events of his times, with one voice, accord to George Calvert the high honor of being the first practical leader of religious toleration. He had laid the foundation of his model State when death prevented him from completing it; but his son, Cecilius, took up the fallen mantle, threw it upon his shoulders, and made perfect what his illustrious sire had contemplated and commenced.

SECTION 2.—THE MOTIVES OF LORD BALTIMORE IN SETTLING MARYLAND. "In settling the colony under this (that of 1632) Charter, it is true that Cecil, the second Lord Baltimore, gathered the colonists chiefly from the Roman Catholics. It was quite natural that, in making up his first adventure, the Proprietary should have gone amongst his friends and kinsmen and solicited their aid to his enterprise. It is to their credit that they joined him in it, and much more to their credit that they faithfully administered the Charter, by opening the door of emigration to all Christians, with an assurance of equal rights and privileges. Where have we such a spectacle in that age? All the world was intolerant of religious opinion but this little band of adventurers, who, under the guidance of young Leonard Calvert, committed their fortunes and their hopes to the Ark and the Dove, and entered Maryland between St. Michael's and St. Joseph,—as they denominated the two headlands of the Potomac,—the portals of that little wilderness which was to become the home of their posterity. All the world outside of these portals was intolerant, proscriptive, vengeful against the children of a dissenting faith. Here, only in Maryland, throughout this wide world of Christendom, was there an altar erected

and truly dedicated to freedom." (George Lynn-Lachlan Davis, in the *Day-Star of Freedom*, page 143.)

SECTION 3.—THE PILGRIMS OF MARYLAND FOUGHT THE FIRST GREAT BATTLE OF RELIGIOUS LIBERTY. "Cases enough have been cited, upon the preceding pages (of "*Maryland, the Day-Star of American Freedom*"), to show also (what is the most interesting fact in the whole of our provincial history), that freedom of conscience existed, not only in the legislation, *but also in the very heart of the colony*. It prevailed for a period of nearly sixty years (1634-1689); a real, active principle; and the life-guidance of many thousands. Cases of individual intolerance always produce a sensation—the best proof, in the judgment of the historical critic, that they formed, not the rule itself, but (to borrow a popular expression), the very *exceptions* to it.

"Let not the Protestant historian of America give grudgingly. Let him testify, with a warm heart; and, pay, with gladness, the tribute so richly due to the memory of our early forefathers. Let their deeds be enshrined in our hearts; and their names be enshrined in our households. Let them be canonized, in the grateful regards of the American, and handed down, through the lives of a living tradition, to his remotest posterity. In an age of cruelty, like true men with heroic hearts, they fought the first great battle of religious liberty. And now their fame, without reference to their faith, is the inheritance, not only of Maryland, but also of America" (George Lynn-Lachlan Davis, in the *Day-Star of American Freedom*, pages 258-9).

SECTION 4.—MARYLAND ESTABLISHES A FREE CHURCH—THE FIRST IN THE COLONIES. "From the foundation of the colony (1634), till King William took the government into his hands in 1692, the relations of Church and State (in Maryland) were as they have been since the American Revolution. All forms of Christianity were allowed; all Christians stood on equal footing; and all churches, chapels and ministers were supported by voluntary contributions." (*Wm. Hand Browne, in George and Cecilius Calvert*, page 124).

Thus the principle of the American Republic on the question of a non-jointure of Church and State was inaugurated in Maryland and so continued as long as the Catholic proprietaries had control of its government. As soon, however, as the throes of civil strife wrenched the authority of the Lords Baltimore from them, persecution and intolerance, State craft and the invasion of the religious rights of the minority were immediately inaugurated. The broad and liberal policy of the Catholics in Maryland was now disturbed by the national dissensions in Great Britain. The Catholic proprietaries remained as true to their convictions of their enlightened polity and policy, when James the Second, Catholic, was on the throne of England, as when Charles the First and James the First, Protestants, were the sovereigns of Great Britain. Nor was Lord Baltimore, Cecilius, the second proprietary, less a freeman by being a loyal Catholic. He resisted clerical encroachments bravely, but, like a true son of the Church, he first referred to his own churchman to settle his religious claims before resorting to the civil power to aid him.

"Let those who first reared it, enjoy the renown to which it has entitled them! * * *

"Exclusiveness, intolerance, persecution of opposing sects, were the invariable characteristics of early American colonization. It was to the rare and happy coincidence of a wise, moderate and energetic Catholic statesman, asking and receiving a Charter from a Protestant monarch, jealous of the faith, but full of honorable confidence in the integrity of his servant, that we owe this luminous and beautiful exception of Maryland to the spirit of the colonization of the seventeenth century." * * *

"MARYLAND MAY BE CALLED THE LAND OF THE SANCTUARY. All Christians were invited freely within its borders. They found there a written covenant of security against all encroachments on the rights of conscience by the Lord Proprietary or his government." (*Discourse by John P. Kennedy before the Maryland Historical Society, pages 42, 43, 44.*)

"In this interesting document (Lord Baltimore instructions, 1634, to his Governor and Council), we see the principles of Baltimore's policy, and the germs of the polity of Maryland. Religious toleration, 'unity and peace' between members of different faiths, began on the Ark and Dove. Whether we attribute it to wise policy, to the cogeny of circumstances, * * * or to a liberal and tolerant spirit, in advance of his age, on the part of the proprietary, the fact remains the same that equal justice and Christian charity to both Catholic and Protestant was the keynote of his rule. When his government was temporarily overthrown, intolerance and persecution began, but ceased so soon as he was reinstated in his authority. No one, we think, can read these instructions without seeing that they proceeded from a wise, just and generous man." (*Wm. Hande Browne, in George and Cecilius Calvert, page 57.*)

SECTION 5.—IN SIX MONTHS MARYLAND ADVANCED FROM ITS SETTLEMENT MORE THAN VIRGINIA HAD DONE IN SIX YEARS. "As they (the pilgrims of Maryland) had come into possession of land, ground already subdued (having bought it from the Indians), they at once planted cornfields and gardens. No sufferings were endured; no fears of want arose; the foundation of Maryland was peacefully and happily laid; and in six months it advanced more than Virginia had done in as many years. The proprietary continued with great liberality to provide everything needed for its comfort and protection, expending twenty thousand pounds sterling, and his associates as many more. But far more memorable was the character of its institutions. One of the largest wigwams was consecrated for religious service by the Jesuits, who could therefore say that the first chapel in Maryland was built by the red men. Of the Protestants, though they seem as yet to have been without a minister, the rights were not abridged. This enjoyment of liberty of conscience *did not spring from any act of colonial legislation*, nor from any formal and general edict of the Governor, nor from any oath as yet imposed by instructions from the proprietary. English statutes were not held to bind the colonies, unless they especially named them; the clause,

which, in the charter for Virginia, excluded from that colony 'all persons suspected to affect the superstitions of the Church of Rome, found no place in the charter of Maryland; and, while allegiance was held to be due, there was no requirement of the oath of supremacy. *Toleration grew up in the province as silently as a custom of the land.* Through the benignity of the administration, no person professing to believe in the divinity of Jesus Christ was permitted to be molested on account of religion. Roman Catholics, who were oppressed by the laws of England, were sure to find an asylum on the north bounds of the Potomac; were there, too. Protestants were sheltered against Protestant intolerance. From the first, men of foreign birth enjoyed equal advantages with those of English and Irish nations." (*Bancroft's History of the United States*, Vol. 1, pages 161 and 162).

The point is frequently made, and the fact often mentioned, that Maryland gave liberty to conscience only to those who professed belief in the Christian religion. This was the broadest fundamental rule in any commonwealth in the world on religious toleration at this period of the history of States and empires; but it cannot be said that Maryland excluded any of any religious faith. While Maryland offered asylum to the oppressed of all Christendom, there is no record in its annals that liberty of conscience was denied to any of any faith.

Yet more, the Jew was tolerated here and encouraged in his business affairs. A Jewish physician, Dr. Jacob Lumbrazo, resided in the province, and was given license to practice his profession, and when he was charged with blasphemy spoken in a discussion, and this brought to the attention of the Court, the case never came to trial.

We have reached the beautiful annals of the actual settlement of Maryland, and will now more definitely disclose the lofty principles of kindness towards, and fraternity with the aborigines of the soil, and of justice and equity amongst the settlers with which it was founded.

CHAPTER FIVE.

The Settlement of Maryland.

SECTION 1.—THE ARK AND THE DOVE SAIL FOR MARYLAND. Freeing themselves from all harassments of enemies, who had denounced them as Papists and foes to their king and country, the Pilgrims of Maryland, about 200 in number, finally set sail from England for Mary Land, on the 20th of November, 1633. The Dove and the Ark were the appropriate names of the two ships that carried these apostles of freedom. The Ark was a ship of about 350 tons; the Dove a pinnace of 50. The ratio between the Catholics and Protestants will probably never be determined. The Proprietor, the Governor, a majority of the Governor's Councillors, and the only ministers that accompanied the expedition were Catholics, and the first acts of Divine Worship when the pilgrims landed were conducted by these priests under the rites of the Catholic Church, and these were they who erected the Christian cross on the shores of the Chesapeake and dedicated the land to Christianity. It was a Roman Catholic colony. The emigrants brought with them neither bigotry nor superstition. They faced a new outlook in the march of civilization.

SECTION 2.—THE OBJECTS OF LORD BALTIMORE'S SETTLEMENT. A great deal has been written about the objects of Lord Baltimore's enterprise and on his motives in securing the charter of Maryland. Some have attributed his broad policy alone to his desire to secure a place of refuge for the oppressed Catholics of England; others have accused him of setting up this free State in order to attract settlers to encourage his enterprise. The best interpretation of any act is the act itself. That act shows that the Lords Baltimore intended to have a commonwealth where all Christians might have asylum, and, in the course of its establishment, even the wretchedly persecuted Jew found protection under its broad policy. Some have gone to the extent of censuring these great men because they did not include all religions in their charter protection. A man's faith was never raised against him under Lord Baltimore's government, and this practical freedom is the perfect answer to all cavils. In that demented age had he dared to put such a proposition as protection to Jews and infidels in writing, the charter would never have been written; but he gave liberty to all in spite of the wise policy of only asking what was safe and what was then far in advance of that intolerant age. All men had protection in Maryland for their religious rights.

All friendly courtesies were not lost in this bitter age. After committing the principal parts of the ship to the protection of God especially, and of His Most Holy Mother and St. Ignatius and all the guardian angels of Maryland, "we sailed," says Father White, Maryland's first historian, "a little way between two shores, and the wind failing us, we stopped opposite Yarmouth Castle. * * * Here we

were received with a cheerful salute of artillery." To this may be added that the Earl of Strafford and King Charles, both Protestants, were firm friends of Lord Baltimore. The sailors were now showing a mutinous spirit; but a strong wind arose and the ship had to put to sea, and this frustrated whatever designs the seamen may have had. The next day, November 23rd, again the Englishmen ashore showed themselves brother Englishmen to those on the Dove, for the pinnace had disappeared in the storm, and was not seen until six months later. From Hurst Castle another kindly salvo of guns was given the departing emigrants. Just at the moment when the Dove, from the double currents at this point, was about to be dashed on the rocks, she was forced away by a great power. Pious Father White attributed this to the protection of God, through the merits of St. Clement.

At the Isle of Wight two Jesuit priests, Fathers Andrew White and John Altham, and a number of emigrants were taken aboard. The company now numbered about 320.

While the Ark and the Dove were still at Cowes, the Proprietary sent down instructions to the Governor for his guidance in governing the new colony. They still exist in Latin in Lord Baltimore's own handwriting. The first one of these advices rings with the spirit of charity and Christian consideration. It is:

"1. Inpri: His Lordship requires his said Governor and Commissioners in that, in their voyage to Mary Land, they be very carefull to preserve unity and peace amongst all the passengers on Shipp-board, and that they suffer no scandal nor offence to be given to any of the Protestants, whereby any just complaint may hereafter be made by them, in Virginia, or in England, and that for that end they Cause all Acts of Roman Catholique Religion be done as privately as may be, and that they instruct all the Romane Catholiques to be silent upon all occasions of discourse concerning matters of Religion; and that the said Governor and Commissioners will treat the Protestants with as much mildness and favor as justice will permitt. And this to be observed at Land as well as at Sea."

This illustrious paper contained fifteen separate sections. The first has been cited above. The succeeding ones gave minute particulars for the government of the colony. In the last paragraph the Lord Proprietary, in concluding his instructions to his representatives, said:

"That, in fine, they be very careful to do justice to every man without partiality, and that they avoid any occasion of difference with those of Virginea, and to have as little to do with them as they can this first year; that they connive and suffer little injuries from rather than engage themselves in a public quarrel with them, which may disturb the business much in England in the Infancy of it."

So the little squadron, bearing the single torch of liberty left burning in the wide, wide world, set sail on November 22nd (but various dates in the week are given), 1633, for the Land of Mary, in the great and unbroken fastnesses of the New World.

Happily for the chronicles of Maryland; fortunate for the libraries of the world; grateful to the lovers of truth and history, there was one on board of that little twain of ships who was acquainted with

letters and who knew the value of correct records and felt the importance of preserving the annals of that magnificent settlement—saintly Father Andrew White.

The voyagers entered the Capes of the Chesapeake on February 27, 1633, old style, filled with apprehension lest they should receive unkind treatment. In this they were happily mistaken. They were hospitably treated by the Governor of Virginia for eight or nine days and then they sailed on into Maryland, and entered the Potomac River. Piously naming the two points of the river, respectively St. Gregory and St. Michaels'. History is dual here—Geo. L. L. Davis calls the first St. Joseph. The settlers prepared to land. They looked upon the broad estuary with admiration. Father White declared he had never beheld a larger or more magnificent river. "The Thames," he exclaimed, "seems a rivulet in comparison with it." The country around them equally charmed the new settlers.

To this initial historian of the Commonwealth, we again are indebted for the delightful description of the landing. He says it was "on the day of the Annunciation of the Most Holy Virgin Mary, (the 24th day of March,) in the year 1634, we celebrated the mass for the first time on this island. This had never been done before in this part of the world. After we had completed the sacrifice, we took upon our shoulders a great cross, which we had hewn out of a tree, and advancing in order to the appointed place, with the assistance of the Governor and his associates and the other Catholics, we recited to Christ the Savior, humbly reciting, on bended knees, the Litanies of the Sacred Cross with great emotion."

Beautiful ceremony. Blessed and appropriate consecration of the Land of Mary to Liberty and Christianity; for, here, for the first time in the archives of mankind the Christian cross arose on a commonwealth of absolute civil and religious freedom. The Cross, the Church, Christianity and Liberty are inseparable.

SECTION 2.—GOVERNOR CALVERT VISITS THE EMPEROR OF THE PISCATAWAYS. Finding that a number of Indian Princes were subject to the Emperor of the Piscataways, Governor Calvert visited him, and thus began a friendship that was never broken. Father Altham explained to the Emperor the doctrines of the Christian religion, to which discourse, through an interpreter, the chief listened apparently with interest, for Father Altham told him he would come again. The uncle and guardian of the young Emperor said: "That is just what I wish. We will eat at the same table; my followers too shall hunt for you, and we will have all things in common." This was the keynote of the intercourse of the Indians and the colonists with each other. They shared their goods as far as it was suitable, and the peace and amity with each other was never broken. The Indians were about to move from their town to the eastern shore of the Chesapeake to have protection from the warlike Susquehannahs at the head of the bay, who often came down and took their women and property from them. So the Maryland Indians very gladly sold their town to the settlers. The conversion of the Indians to Christianity was immediately attempted.

Maryland was a commonwealth of the people. The Lower House was elected by the free men of Maryland. No taxes could be laid without

the consent of this body. It was a strong constitutional government. There was law and order, charity and prosperity in Maryland under the benign reign of Lord Baltimore. When the Act of 1649 was passed to put in a statute form the common law guarantees for religion, after the Puritans came to Maryland, it was made a grave offense to call any one by these names:—"Heretic, Schismatic, Idolatar, Puritan, Independent, Presbyterian, Popish Priest, Jesuit, Jesuited Papist, Lutheran, Calvinist, Anabaptist, Brownist, Antinomian, Barowish, Roundhead, Separatist, or any other Name or Term, in a reproachful manner, relating to matter of religion."

In the midst of this serene and beautiful life there was one actor in the drama of Maryland's peaceful existence—William Clayborne—who became a source of discord. Before the settlement of the colony, he, while in official service of Virginia, had established a trading post and barter place with the Indians, on Kent Island in the Chesapeake. When Lord Baltimore received his patent and made his settlement, Clayborne disputed his authority. It led to open conflict and recourse to the courts and councils of England. In both Lord Baltimore was successful; but it left a cankering sore in the bosom of Clayborne, which later gave Lord Baltimore serious loss and trouble.

We have seen that religious freedom was the common law of Maryland from its settlement in 1634. As we pass to the next epoch in its history, we will discover that the unwritten law was made the written statute.

CHAPTER SIX.

The Passage of the Act of 1649—Contract to Insure Religious Freedom to the Persecuted Puritans of Virginia.

SECTION 1.—RELIGIOUS FREEDOM WAS THE COMMON LAW OF MARYLAND FROM ITS FOUNDATION IN 1634. It is more than evident that religious freedom was the common law of the colony of Maryland from its foundation in 1634. Yet there came a time when another gleam of the lustre of Christian liberty and broad-minded charity shone upon the virgin escutcheon of the commonwealth, and an era dawned when common law became strengthened and emphasized by its adoption as the statute law of the State.

In 1649, Governor Berkley, himself a Churchman and Protestant, the Executive of Virginia and the devoted friend of Charles the First, having no kindred laws in the commonwealth over which he presided invoked the Acts of Parliament against the Puritans of this colony, and so rigorously enforced them that these non-conformists were compelled to seek a home in some more liberal settlement. They turned their eyes toward free Maryland. Sending two of their members as deputies to Governor Stone the Puritans were promised liberty, asylum and lands. He exacted only loyalty to the State in return. This was promised, and the pledge given by Governor Stone was confirmed by the Act of 1649.

This Assembly consisted of sixteen members. On the day the Act was passed fourteen members were present. It is a matter of unusual historic interest to learn what was the religious faith of these great men who passed an act so liberal in its terms as was this famous statute, in an age of animosities and of intolerance.

Mr. George Lynn-Lachlan Davis, who spent many days of labor in this research, has given to the lovers of historic truth a splendid epitome of this remarkable Act. His is the authority on which we shall rely for "the faith of our forefathers" in this illustrious transaction.

"Including the Governor," says Mr. Davis, "there were sixteen members, in the whole Assembly. * * * The proprietary was a Roman Catholic; and the Governor, a Protestant. Three of the privy councillors (Thomas Green, John Pile, and Robert Clarke,) held the faith of the former: the other three, (John Price, Robert Vaughan, and Thomas Hatton,) with equal certainty, may be classed with the latter law-giver.

"As the result of the strictest historical criticism—of the most careful and exhausting analysis of the whole evidence—it is but right to say, the proof is not discoverable, that more than two members of the whole House of Burgesses, (or representatives of the people) were either Protestants, or in direct sympathy with the Protestant class of colonists. That Mr. Conner and Captain Banks belonged to that class is a matter of evidence. And there is some degree of probability that Mr. Browne

also had the faith of the English Church. But it is certain, that five of the burgesses (Messrs. Fenwich, Bretton, Manners, Maunsell, and Peake,) cherished faith in the Roman Church; and we have the basis of a very strong presumption, that Mr. Thornborough, (a sixth member of the house) was also a Roman Catholic.

"Including the Proprietary ten of the law-givers of 1649 held the faith of the Roman Catholic Church. If we count the Governor and the two burgesses, six, it will appear, belonged to some branch of the Protestant—probably the Anglo-Catholic. But this is a superficial view of the question; and refers only to the time they all sat in one House." (*G. L. Davis. Ibid.*, Pages 137 and 138.

SECTION 2.—THE WHOLE STRENGTH OF THE ROMAN CATHOLIC ELEMENT IN THE ASSEMBLY. Still quoting Mr. Davis: "All we have from the remaining parts of the journal is that on the 'last day' of the Assembly, the representatives of the freemen, with the Governor, and with the privy councillors (excepting Messrs. Pile and Hatton), assembled in one 'House'; and that, on the same day, was passed the 'Act concerning Religion.' It can be proved from the records that of the fourteen, eight (including Mr. Thornborough) were Roman Catholics, and six (with Mr. Browne) were Protestants. But this estimate does not render strict historical justice to the claims of the former. The privy councillors were, all of them, as well as the Governor, the special representatives of the Roman Catholic proprietary under an express pledge, imposed by him, shortly before the meeting of the Assembly (as may be seen from the official oath), to do nothing at variance with the religious freedom of any believer in Christianity; and removable, any moment, at his bidding. It would be fairer, therefore, to place the Governor and the four privy Councillors on the same side as the six Roman Catholic burgesses. Giving Mr. Browne to the other side, we have eleven Roman Catholic against three Protestant votes."—*Ibid.*, pp. 138-9.

SECTION 3.—THE LOWER HOUSE LARGELY ROMAN CATHOLIC. There is very positive reason to believe that before the Act of Toleration was passed by the General Assembly of Maryland it was enacted first in each House, the Upper and the Lower, before being considered and adopted in the Assembly sitting as one body. In that case there would be six Roman Catholic burgesses to three Protestants. This is the conclusion of Mr. Davis in his laborious investigation of all of the circumstances surrounding the Act of 1649. Considering the religious elements of the population of Maryland at the time that this famous law was passed, the first act of agreement on religion between Protestants and Catholics ever made into a statute, the preponderance of numbers will again be with the Roman Catholics. (*Ibid.*, p. 142).

This is easily provable: St. Mary's county, in 1649, had eight delegates in the Legislature, Kent county one. There were then only two counties in Maryland. Its numerical inferiority to St. Mary's may be concluded by the fact that, at this time, Kent paid but a sixth part of the taxes of the Province. In 1648, the whole population of Kent county did not exceed the fifth of the entire Province, nor in 1649, a

sixth of the entire colony. In no hundred of St. Mary's, unless it was in that of St. George, did the Protestants outnumber the Catholics, nor is it certain that the Protestants were more numerous in the St. George district than were the Catholics. Maryland then, at the time of the passage of the Toleration Act of 1649, by the freemen of Maryland, was inhabited by an overwhelmingly Roman Catholic population, and had a two-thirds power in the Legislature. Mr. Davis, from whose *Day-Star* these facts are gathered, and who had winnowed the subject by investigation of the original documents in Maryland in his time, says it is probable that, in 1649, the Protestants constituted but one-fourth of the total population of Maryland. In 1650, after the arrival of the Puritans from Virginia, then the Protestants outnumbered the Roman Catholics in Maryland, and immediately political, ecclesiastical and governmental dissensions began, and the Puritans who had been welcomed from Protestant persecution in Virginia, became the foes and persecutors of those who had succored and befriended them in the days of their sore distress; and the said story of the consummation of this ingratitude will close the narrative that has engaged our attention in these brief pages.

CHAPTER SEVEN.

The Animosities of the Old World, Transplanted by Those He Had Succored, Wrest Maryland From Lord Baltimore.

SECTION 1.—THE PURITANS PROVE UNGRATEFUL FOR THE BENEFITS BESTOWED UPON THEM. When Charles the First had been executed, and the cause of the commonwealth was triumphant, Cromwell turned his attention to the American plantations. Maryland was not in the Act of Parliament; but when Commissioners were sent out to take possession of all the Colonies not favorable to the Protector, the enemies of Lord Baltimore were successful in having that settlement mentioned in the instructions given the legatees of the new power in England.

Richard Bennett, he who was at the head of the Puritans when they were given asylum in Maryland from Governor Berkeley's persecutions, and the aggressive William Clayborne, were the two commissioners. The Puritans in Maryland had already shown their ingratitude by refusing to send delegates to the Legislature of 1651. They based their opposition to Lord Baltimore on account, they alleged, of their scruples in taking the oath required because "they must swear to uphold that government and those officers who were sworn to countenance and uphold anti-Christ—in plain words expressed in the officer's oath—the Roman Catholic religion."

Lord Baltimore's friend, Mr. John Langford, very aptly replied to these objections of the Puritans "that was nothing promised by my lord or Captain Stone to them, but what was performed. They were first acquainted by Captain Stone (Governor of Maryland), before they came there with that oath of fidelity, which was to be taken by those who would have any land there from his lordship; nor had they any regret to the oath, till they were as much refreshed with their entertainment there, as the snake in the fable in the countryman's breast; for which some of them are equally thankful."

In March, 1652, Bennett and Claiborne entered Maryland. They proposed to Governor Stone and the Council of the province, "that they should all remain in their places, conforming to the laws of the commonwealth of England in point of government only, and not infringing the Lord Baltimore's just rights." The Governor and Council "in all humility" submitted themselves to the government of the commonwealth. When the commissioners demanded of them to issue writs in the name of the commonwealth, instead of the name of Lord Baltimore, the Governor and Council desired to be excused. The commissioners then asked to see Lord Baltimore's commission to Governor Stone. On its being produced, the commissioners kept it and appointed others as officers in Maryland than those that Lord Baltimore had.

The commissioners then ordered all writs now to be issued "in the name of the keepers of liberty in England." They then repaired to Virginia, where Bennett was made governor and Claiborne secretary of state.

Returning to Maryland and finding Governor Stone was very popular with the people, they made him governor.

In 1654, Governor Stone, having received information that Cromwell had been elevated to the protectorate, proclaimed him, on June 6th, 1654, protector, and on the Fourth of July following the Governor issued a public manifesto charging Bennett and Claiborne, and the whole Puritan party, chiefly of Anne Arundel county, with "drawing away the people, and leading them into faction, sedition and rebellion against the Lord Baltimore."

The commissioners left Virginia and repaired to Maryland, where they deposed Governor Stone. The Puritans assumed the government and held a session of the Legislature at Patuxent on October 20, 1654, the most remarkable act of which was the passage of law enacting and declaring "that none who profess and exercise the Popish (commonly called the Roman Catholic) religion can be protected in this Province by the laws of England formerly established and yet unrepealed."

Never had the fable of the camel who asked to put his nose in the Arab's tent, and who, finally, turned the owner out, been more completely realized than it was with the Puritans and Catholics in Maryland.

The Puritans remained in peaceable possession until January, 1655, when the ship *Golden Fortune*, Captain Tilman, arrived in Maryland. On it came a gentleman named Eltonhead, who brought the information "that the Lord Baltimore kept his patent and that his highness (the lord protector) had neither taken the Lord Baltimore's patent from him, nor his land." By the same ship, it appears, came a letter from Lord Baltimore, upbraiding Governor Stone for "resigning up his government unto the hands of the lord protector and commonwealth of England, without striking one stroke." Inspired by these events, Governor Stone resumed the duties of Governor under his former commission, and determined to make a manly struggle to obtain possession of the province. He proceeded immediately to issue military commissions to officers and to organize a military force in the loyal county of St. Mary's.

The sword was now to decide the issue of government. About the 20th of March 1654-5, Governor Stone started from St. Mary's to bring the unruly Puritans of Providence, as they called their settlement, which is now the City of Annapolis, into subjection to Lord Baltimore's authority. The Governor's forces consisted of 130 men. They came by land, but crossed the mouths of rivers by a flotilla of ten or twelve small boats. Advised of the advance of Governor Stone, the Puritans sent messengers to meet him, and offered to make capitulations on terms of amnesty. The messengers that carried them were seized as prisoners of war. On this the Puritans prepared to put in execution their threat to Governor Stone they had made in their despatches to him,—“to commit ourselves into the hands of God, and rather die like

men, than be made slaves." Whatever were their faults and failings, the Puritans cannot be reckoned amongst the cowards.

It was March 24th, 1655, when Governor Stone entered the mouth of Spa Creek, which forms the southern boundary of the present City of Annapolis, and landed his forces upon Horn Point, a peninsula opposite Annapolis.

On the appearance of Governor Stone and his little flotilla, the armed merchant ship *Golden Lyon*, Captain Roger Heamans, then lying in the harbor of Providence, fired a shot at them. Captain Heamans's defence for his conduct on this occasion was that the councillors of state amongst the Puritans had made a requisition upon him for the defence of the town. He fired the second shot as Governor Stone landed. Governor Stone then sent a messenger demanding of the captain why he had attacked him, and saying that he thought "the captain of the ship had been satisfied." Captain Heamans answered in a very blustering manner: "Satisfied with what? I never saw any power, Captain Stone had to do as he hath done, but the superscription of a letter. I must, and will, appear for these in a good cause."

The men of St. Mary's evidently thought victory was assured. Some of the more boisterous on the morrow came out with sound of drum, and, with railings loud, called to their foes: "Come, ye rouges; come, ye rouges, round-head dogs." On this the captain of the *Golden Lyon* fired his fourth and fatal shot and killed one of Governor Stone's soldiers.

It was the Sabbath—March 25, 1654-5. The strict Puritans let not its peaceful solemnities interfere with their martial strategy. Whilst Governor Stone was putting his men in military array, his foes were already behind him. With one hundred and twenty men, Capt. William Fuller had marched out of the western end of the town, and, circling the head of Spa Creek, a detour of about five or six miles, had hemmed in the Governor with land on one side and an armed ship on the other, water on the south of him, and the enemy in the rear.

The sentry of the St. Mary's men fired the signal shot that the foe was near. The Puritan account of what happened next says:—"Captain Fuller, still expecting that, then at least, possibly they might give a reason of their coming, commanded his men, upon pain of death not to shoot a gun, or give the first onset, setting up the standard of the Commonwealth of England, against which the enemy shot five or six guns, and killed one man in front before a shot was made by the other." "Then," continues Mr. Leonard Strong, "the word was given, '*In the name of God fall on; God is our strength.*' The cry of the men of St. Mary's was:—'*Hey, for St. Mary's.*' Thus the battle of the Severn began—the first land fight in America where Englishmen met Englishmen in battle array.

The charge was fierce and brief. Mr. Leonard Strong, an ardent friend and supporter of the Puritans says:—"Through the glorious presence of the Lord of Hosts, manifested in and towards his poor, *oppressed people*, the enemy could not endure, but gave back; and were so effectually charged home, they were all routed, turned their backs, threw down their arms, and begged for mercy. After the first volley

of shot, a small company of the enemy, from behind a great tree fallen, galled us, and wounded divers of our men, but were soon beaten off. Of the whole company of Marylanders there escaped only four or five who ran away out of the army to carry the news to their confederates. Capt. Stone, Colonel Price, Capt. Gerrard, Capt. Lewis, Capt. Kendall (probably Fendall), Capt. Guither, Major Chandler, and all the rest of the councillors, officers, and soldiers of the Lord Baltimores, among whom both commanders and soldiers, a great number being Papists, were taken, and so were their vessels, arms, ammunition, provisions, about fifty men slain and wounded. We lost only two men in the field, but two died since of their wounds. God did appear wonderful in the field, and in the hearts of the people, all confessing Him to be the only worker of this victory and deliverance."

However much these fanatical and ungrateful Puritans attributed the fate of battle to the Almighty, after the contest was once over, they laid aside His precepts, and proceeded to close matters after their own bitter fashion. Doctor Barber, an author of that period, writing in the interests of the St. Mary's men, says:—"After the skirmish, the Governor upon quarter given him, and all his company in the field, yielded to be taken prisoners, but, two or three days after, the victors condemned ten to death, and executed four, and had executed all, had not the incessant petitioning of some good women saved some, and the soldiers others; the Governor himself being condemned by them and since begged by the soldiers, some being saved, just as they were leading to execution."

Those who were executed were Mr. William Eltonhead, Lieut. Wm. Lewis, Mr. Legget and John Pedro, a German. Governor Stone was treated with great cruelty. Whilst in prison, suffering from a severe wound received in battle, neither his wife nor his friends were allowed to visit him.

In addition to passing a law reciting that Catholics had no right protection in the colony, the Legislature of 1654, being old style calendar, and known now as 1654-5, seven months after the battle of the Severn, then notoriously distinguished itself by repealing the Act of 1649, guaranteeing religious liberty in the colony of Maryland, and which had put in statute form the common law of Maryland especially for their benefit.

It was not until six years after his loss of the Province that Lord Baltimore was given again control of his Plantation of Maryland. He and his sons remained in possession until 1689, when, after the ascension of William and Mary in England, a bloodless revolution once more overthrew Lord Baltimore's authority, and his Province was taken from him and non-Catholics assumed the control of the State. This free religion, this free church and this free commonwealth in Maryland were immediately swept from the pages of American history. A State church was soon established, Catholics were denied the rights of suffrage, and not a church or a chapel could be erected in the Province except by consent of the General Assembly. No Catholic Church was from this period permitted to be built. A Catholic could have his private chapel on his premises and his chaplain; but no public building of the Catholic faith, nor was any public worship at its altars, permitted.

A travesty, perhaps the greatest religious comedy of human ingratitude, was thus enacted on the virgin soil of that commonwealth where human freedom had erected its first most perfect type of civil and religious liberty. This sad and discreditable condition remained until the American Revolution sundered the political ties that bound America to Great Britain, overthrew the religious dynasty that had thrallled the masses, and restored to the Catholic his electoral rights, gave him equal liberty with his fellow-citizens and opened the way to the formation of the free and enlightened Republic of America.

THE END.

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ANNAPOLIS—A PATRIOTIC CITY

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In the Spring of 1865, soon after the surrender at Appomattux, the Federal soldiers returned to Annapolis. In the mid-summer the Confederates, who had gone from the city to the Southern Army, reached the city. Immediately 72 out of 74 Union veterans of Annapolis signed a paper which was published in a journal of Annapolis, welcoming the Confederate soldiers' return to their homes.

In May, 1883, on Decoration Day, by invitation of G. A. R., Meade Post of Annapolis, Confederates joined with the Union soldiers and had a common oration and a united decoration of their dead. Under this fraternal request Lieut. Samuel T. McCullough, of the Confederate Army, delivered the eulogy of the day. Confederate soldiers marched with Lieutenant McCullough in the one procession of the blue and the gray. This appears to have been the first jointure in a single decoration of the graves of the Union and Confederate soldiers and the observation of a combined oratorical service.

THOMAS TODD—THE FIRST SETTLER OF ANNAPOLIS

Thomas Todd, who came from Virginia in the period when the Puritans fled from the persecutions of Governor Berkeley into Maryland, was reputed to be the son of Thomas Todd, who came to Virginia, at least as early as 1617, since he patented land at Elizabeth City, Va., in that year.

The Maryland settler took up land now on the site of the present Annapolis. This is shown by reference to the names of Todd's Creek in one and Anne Arundel, Severn River, in the other, and as being described as adjoining the land of Richard Acton, whose farm lay near Annapolis.

Thomas Todd was a man of large affairs and of public business. In 1657 he was one of the commissioners of Anne Arundel county. He removed to Baltimore county and was sent to the General Assembly from that county in the year 1674. He owned much land. He set sail about the year 1677 for England, having charge of 87 hogsheads of tobacco. He wrote his son Thomas that he desired to see him before he sailed, and that he was very sick and weak. He died at sea. His will was probated May 30, 1677. His son Thomas was made his sole executor.

Todd's Creek is now Spa Creek. Tradition has it that the name was given the present creek from the fact that an old pork barrel was placed in a spring on Primrose farm, and the deluded public, tasting the essence of the meat, concluded that the spring had medicinal qualities in it, and called the fountain Spa Spring. Hence, the name of the creek.

No list of names of the Anne Arundel settlers intact has ever been found, and they have to be winnowed out of separated documents. Amongst those around Annapolis were Thomas Hall, Richard Acton, Joyce Bayne, John Barker and Matthew Burn.

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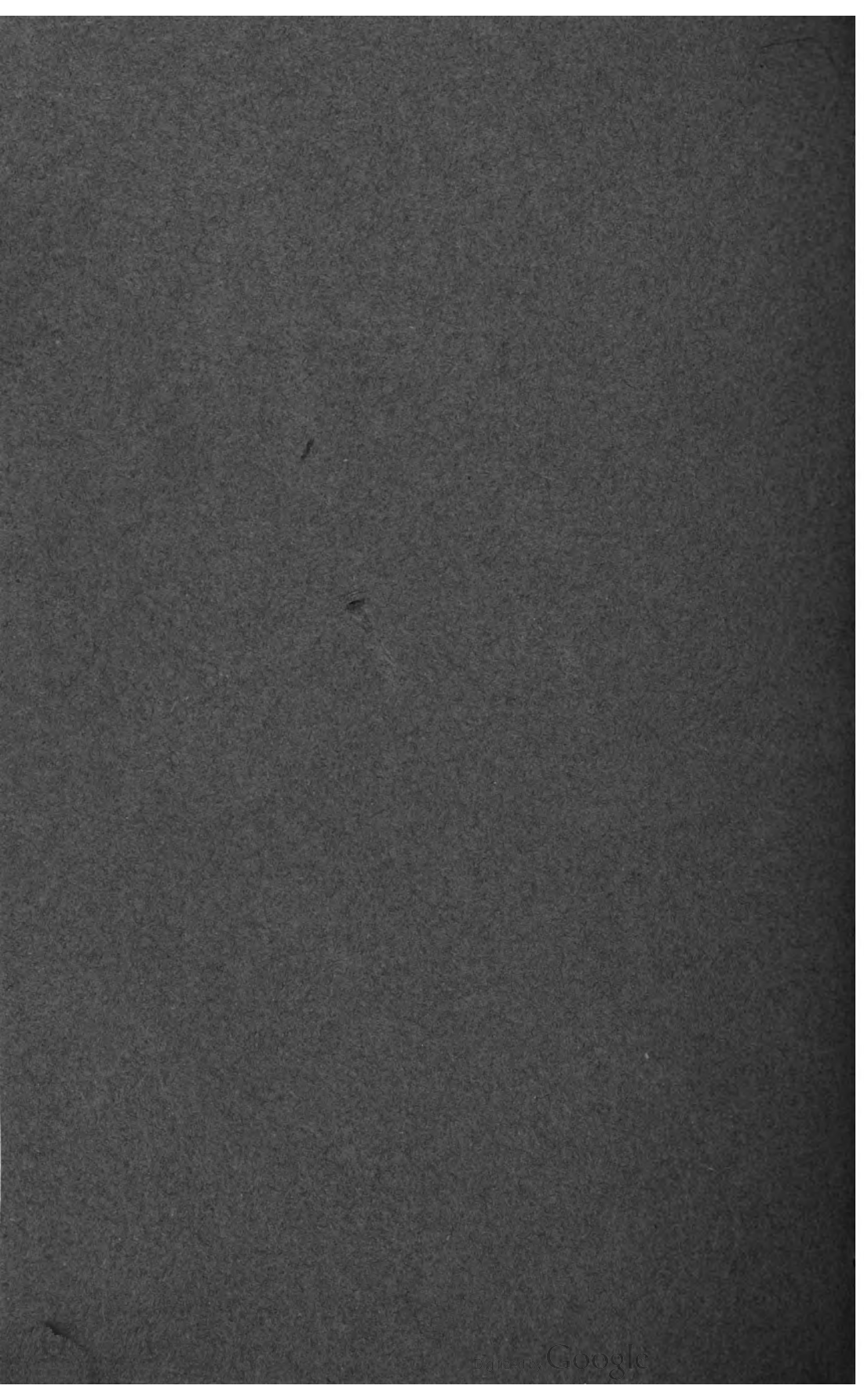
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